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Senate

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 2004

Mr. STEVENS. Madam President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 177, H.R. 2559, a bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measure.

Mr. STEVENS. Madam President, I ask unanimous consent that all after the enacting clause be stricken, the text of Calendar No. 176, S. 1357, the Senate committee-reported bill, be inserted in lieu thereof, and the bill, as amended, be considered as original text for the purpose of further amendment, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I am very pleased to join with my ranking member of the Military Construction Appropriations Subcommittee, Senator FEINSTEIN of California, in bringing forward for the Senate's consideration the fiscal year 2004 military construction appropriations bill. This is a bipartisan bill which received the unanimous approval of the Committee on Appropriations.

I want to take a moment to say Senator FEINSTEIN is in the Judiciary markup. She is the best ranking member a chairman could ever have. We have a great relationship. We work together well. We see things the same way. And our priorities are the same. So this is very much our bill together, and it would not have been nearly as easy without her wonderful cooperation.

This is a bill that does focus on quality of life for our troops because both Senator FEINSTEIN and I believe it is very important at a time like this, when we are asking so much from our troops, that we do right by them. This bill provides $9.196 billion for military construction, military family housing, and base realignment and closure costs.

This bill is $79 million above the President's budget request, but $1.5 billion below the amount appropriated last year. The budget constraints under which we all are laboring this year did force us to make difficult choices about our spending priorities, but I believe we have crafted a bill that attends both to the President's most pressing requirements and the concerns of Senators.

The bill provides $4.6 billion for military construction, $3.95 billion for military family housing, and $370 million for base realignment and closure.

Our military forces have been severely strained by the extraordinary burdens they have been asked to shoulder in the last several years. They have undertaken nearly 2 years of continuous combat operations in harsh conditions, endured long deployments and reserve activations. They have had to deal with severe disruptions to family life resulting from lengthy separations.

We have asked much of our service personnel and their families; and, for that reason, we have paid special attention in this bill to military construction projects that promote our troops' quality of life.

For example, the bill provides $1.1 billion for 40 new, modern barracks projects; $166 million for the design and construction of new hospital and medical facilities; and $16 million for child development centers to serve our military families.

The intense demands of the past few years have extended well beyond our Active-Duty forces, and no component has borne a heavier burden in that time than our Guard and Reserve Forces who have met the call to duty with a high degree of professionalism.

Unfortunately, military construction for the Guard and Reserve continues to be severely underfunded. The administration's fiscal year budget request for Reserve components was $370 million, a little more than half of what was appropriated last year. This is just inadequate for the task we are asking these components to perform. As a result, this bill increases funding for the Guard and Reserve by 87 percent to $691 million.

This bill differs from the administration's request in only one significant way, and that is in the area of military construction overseas. The budget request included over $1 billion for military construction at U.S. installations outside the United States, much of it destined for facilities constructed for the cold war. For several years, Congress has expressed its concern that our overseas basing structure has not been updated to reflect the realities of the post-cold-war world. Our Nation is dealing with new threats, new strategies, new force structure, new deployment concepts, and new geopolitical realities. Yet a basing structure designed for the cold war endures.

We have questioned the wisdom of continuing to expend taxpayer dollars on overseas facilities that may not be appropriate to the Nation's future military needs. The Defense Department continues to study this issue and has under way an overseas basing and presence study that will lead to, among

other things, recommendations for a major overhaul of the U.S. overseas basing structure. That study is not yet complete. But in testimony before the Military Construction Subcommittee in April, two of the combatant commanders, General James Jones, Supreme Allied Commander Europe, commander of U.S. European Command, and General Leon LaPorte, commander of U.S. Forces Korea, presented their visions for military basing in their respective areas of responsibility. General Jones described a concept for Europe that features fewer large bases, several smaller, more austere bases in forward locations, and greater use of rotational forces in and out of these facilities rather than permanent stationing of large forces with the attendant support infrastructure.

General LaPorte described a vision for Korea in which U.S. forces are consolidated at a greatly reduced number of facilities located further south on the Korean peninsula than at present.

We have been impressed by the combatant commanders' boldness and creativity in reassessing basing needs, and we believe their respective visions hold great promise for a more efficient and effective basing structure that will enhance the ability of the United States to meet new threats.

When fully developed, this vision will provide a sound basis on which Congress and the administration will be able to determine the future of our overseas basing structure. However, at this point the vision has not yet been developed into a comprehensive plan on which decisions to pursue new construction initiatives can prudently be based.

The overseas basing and presence study involves far more than military facilities. According to public statements of Defense Department officials, it will result in a dramatic change in the disposition of U.S. forces abroad, including where they are based, how they operate, how they move to and from their theaters of operation, and even the number of forces deployed in specific theaters.

In various press accounts, administration officials have acknowledged considering new bases in Australia; Navy ships ported in Vietnam; increased U.S. presence in Malaysia and Singapore; bases in Algeria, Morocco, and Tunisia, as well as Senegal, Ghana, Mali, and Kenya; bases on territory of the former Soviet Union; a rotational model for deploying forces overseas; significant reductions to force levels in Germany; a major relocation and possible reformation of forces in the Republic of Korea. Summarizing the extent of the changes under consideration, the Under Secretary of Defense for policy, Douglas Feith, stated:

Everything is going to move everywhere.

If the sweeping changes under consideration are to be implemented, they will require extensive diplomatic efforts both in the nations in which the United States seeks a new presence and in those where it will reduce or reshape its presence. Because a comprehensive plan is not yet developed, we are unwilling to recommend undertaking extensive new military construction projects that would begin the implementation of a plan without a thorough and deliberate review by Congress. We have been particularly concerned about proposed projects in Europe and Korea.

For example, the budget request includes a number of projects in areas in Germany that, according to public statements of the Army and other Department of Defense officials, are likely to see significant force level reductions.

In a June 23 letter updating the status of planning Europe, General Jones said:

We have made considerable progress in determining the installations required to support theater goals and the force structure needed to implement our strategy. It is an arduous process but a necessary one. While I realize fully the importance of our progress on these matters, the timeliness, and the effect these decisions will ultimately have on our fiscal year 2004 military construction projects, I must tell you candidly that we have not reached the end point of this process. The changes we are proposing represent the most significant undertaking to realign forces and basis in theater in the past 50 years. The decisions made in the coming weeks will have broad and far-reaching implications; therefore, it is imperative that we get it right.

General Jones is absolutely right. I appreciate his candor. His statements underscore our concern that we are not yet ready to begin implementing the restructuring of our overseas bases in Europe. We have similar concerns about proceeding too fast in Korea.

In the budget amendment received May 1, the administration proposed moving some $213 million in military construction projects to a single base, Camp Humphreys. However, nearly half of that construction is to occur on land that the United States does not yet control. Although the Korean National Defense Minister has pledged to try to buy the land for our use, he is far from clear that this can occur for these projects to be fully executed in fiscal year 2004. According to a July 7 article in the Korea Times, there is fierce local opposition to the expansion of U.S. presence at Camp Humphreys.

The budget amendment also asked to move a $40 million barracks project from an airfield to Camp Humphreys, but then that was reversed.

There are other examples, but I think this is making it clear that we don't really have a fully thought out and reviewed plan from which we can base the needs in Korea. Evaluated against a backdrop of uncertainty about fundamental aspects of a revised overseas basing structure which the department has not yet proposed, the Defense Department's overseas basing and presence plan is not yet sufficiently mature to enable the Senate to commit to extensive new construction. The failure to fund these projects at this time does not indicate dissatisfaction with the general direction in which the Department is headed. We support the direction. But we do believe that Congress should know the extent of the restructuring and the price tag before we determine our Nation's priorities. It would be premature to begin new construction at this time in these areas. We look forward to receiving and evaluating the Department's full recommendations once they become available and taking the time to consider these changes.

Reflecting our continuing concern about this issue, our bill includes a provision establishing an independent commission to thoroughly study the structure of our overseas military facilities and advise Congress on its conclusions. This commission, proposed by Senator FEINSTEIN and myself, would provide Congress with an independent view of the Nation's overseas basing requirements to help inform our decisions about the restructuring of our facilities.

The report accompanying this bill also directs the Defense Department to submit several reports that will aid Congress in its oversight role, including a report on the feasibility of privatization and the use of commercial building practices in barracks construction, a study of the impact of privatized housing on local school districts, and a report on the Department's activities related to perchlorate, a chemical used in solid rocket propellant that has been found in drinking water supplies in 29 States. Senator FEINSTEIN has more to say on perchlorate, but I want to say, this is a concern of mine as well.

While a national standard for perchlorate levels has not yet been established, it is important that the Department of Defense be prepared to deal with this containment at defense installations once a standard is agreed upon.

All of the projects added to the bill have been carefully vetted by the military services. All are top priority for installation commanders, and all are included in the services' future years defense plan.

Madam President, the bill before the Senate is a bipartisan product that was approved by the Appropriations Committee on a vote of 29 to 0. I am pleased to offer it for the Senate's consideration.

Mrs. FEINSTEIN. Madam President, I am pleased to join my chairman, Senator HUTCHISON, in recommending the 2004 military construction bill to the Senate.

This has been a very challenging year. The President's budget request for military construction was $1.5 billion below last year's enacted level, a nearly 15 percent reduction in a program that is chronically underfunded. And this year, because of across-the-board constraints on appropriation allocations, we had little room to maneuver beyond the ceiling imposed by the President's budget submission.

The bill that we bring to the Senate provides $9.2 billion for military construction and family housing programs for fiscal year 2004. Within that allocation, we had to shoehorn funding for a large number of critical programs and projects that were not adequately funded in the President's budget request.

In addition to tight budget constraints, we were faced with another challenge this year in determining how to deal with overseas military construction programs at a time when the Defense Department is proposing what has been described as the most sweeping change in America's military presence overseas since World War II.

The President's budget request included more than $1 billion for overseas military construction. Less than 3 months after the budget was submitted, the Defense Department unveiled preliminary plans for a major restructuring of forces in Europe and Korea, and sent Congress a budget amendment to rescind or delete more than half a billion dollars in overseas military construction programs from fiscal year 2003 and the Fiscal Year 2004 request.

It became clear to Senator HUTCHISON and me that the Department was far from finalizing its global realignment plans, and indeed, we continue to read almost daily about different proposals for moving U.S. forces here and there overseas. For this reason, we are recommending a pause in funding a number of proposed construction projects in Europe and Korea until the Defense Department completes its overseas basing review and presents a comprehensive plan to Congress. The overseas basing commission that Senator HUTCHISON and I are proposing in this bill will provide another important layer of oversight to this process.

In Europe, central questions include how many troops will remain permanently stationed there, what basing structure will be needed to support them, and where and what type of forward operating bases and forward operating locations will be needed to support rotational and transitory forces.

In Korea, the issue of where the forces will be realigned has apparently been settled—the U.S. is planning to withdraw troops from Seoul and the Demilitarized Zone and move them to south central South Korea. However, the details of that realignment have yet to be presented to Congress, nor has the Korean government provided the land needed for the realignment.

I am aware that the administration would prefer to bank all of the proposed funding for the realignment of forces in Korea to keep pressure on the South Korean government to transfer the required land to the U.S. military. However, I believe that withholding this funding until the U.S. has actually secured the land is an equally effective incentive for the Korean government if, in fact, it is serious about wanting United States military forces to move out of Seoul.

Moreover, in a year when the administration has slashed the military construction budget by nearly 15 percent, it is unrealistic for the Defense Department to turn around and ask Congress to wager hundreds of millions of dollars that are urgently needed elsewhere on the Korean Government's uncertain timetable.

We have given this matter a great deal of consideration, and I commend Senator HUTCHISON for laying out the position of the subcommittee so clearly and completely in the report accompanying our bill. This explanation should leave no doubt in anyone's mind that the Military Construction Subcommittee understands the importance of maintaining strong military ties to our allies overseas and supports the Defense Department's efforts to ensure that our overseas basing structure reflects the international realities of the post-cold-war environment. We look forward to helping implement the construction elements of the new overseas basing structure once the Defense Department completes its review.

There is another item in the Military Construction bill that is extremely important to me, and that is the environmental clean up of military installations. The fiscal year 2004 bill includes just $370 million for Base Realignment and Closure, BRAC, environmental cleanup. This is a significant drop from last year's funding, and it is a level of funding that I accept only reluctantly, and only because the Defense Department is embarking on a new and ambitious program to raise revenue for environmental cleanup at BRAC sites through land sales. The Navy's BRAC budget, for example, includes $68 million above the appropriated amount in anticipated revenue from land sales, and the Navy anticipates that additional land sales revenue could significantly increase the amount of money available in fiscal year 2004 for environmental cleanup.

I believe that the Defense Department has the responsibility to complete, to the maximum extent possible, the cleanup of military installations closed or realigned through previous BRAC rounds before embarking on a new BRAC round in 2005. I am hopeful that self-financing through land sales will be sufficient to supplement appropriated amounts, but I intend to keep a close watch on this program to ensure that we do not sacrifice momentum by relying too heavily on land sale revenue.

Madam President, I also want to comment on an issue that I have been fighting since this last winter. It is the problem of perchlorate contamination in our country's drinking water. This topic is relevant to the Department of Defense and Military Construction Appropriations as Defense, along with the National Aeronautics and Space Administration, uses 90 percent of the perchlorate produced in the United States.

Perchlorate, a chemical used in solid rocket propellant, explosives and munitions has been identified by the Environmental Protection Agency (EPA) as an unregulated toxin. No national standard exists for perchlorate. Perchlorate contamination has been found in drinking water supplies in 29 States, including Arizona, California, Texas, Colorado, Maryland, Massachusetts, Nevada, and New Mexico. More than 300 groundwater wells in California alone are contaminated with perchlorate, as is the Colorado River, which supplies drinking water to more than 15 million people in the Southwest.

I am alarmed about the potential impact of perchlorate contamination at installations that have been closed through the BRAC process as well as at active and inactive Defense sites or where perchlorate has migrated off of current and former Defense or contractor properties to threaten public water supplies.

I am also very disappointed that the Department of Defense has been unresponsive to requests to take a positive leadership role in addressing the concerns of the public and the immediate needs of water agencies large and small as perchlorate is detected in more and more locations. It is also distressing that the Department is resisting the obvious need to test for the presence of perchlorate at BRAC properties or other Defense sites.

The Department of Defense has a moral obligation to the public to address the problem now as the water agencies that have to close wells, or treat their water supplies, are faced with a real problem today. This problem is a result of the activities of the Department or its contractors.

The language I worked to include in the Military Construction Subcommittee report moves the Department of Defense toward addressing the perchlorate problem. This language directs the Department to submit to the Congressional Defense Appropriation Committees the following:

A report on the activities of the Interagency Perchlorate Steering Committee and the activities of the Department on perchlorate as described in the Memo of January 24, 2001 from the Under Secretary of Defense for Environmental Security to the Secretaries of the military departments and the Defense Logistics Agency.

Identification of sources of perchlorate contamination at BRAC properties and to develop a plan to remediate perchlorate contamination on BRAC sites that can be implemented rapidly once state or Federal perchlorate standards are set.

Finally, I want to address an issue covered in the report where I believe the report language was not wholly accurate, and which I intend to attempt to clarify in conference.

The existing language says, ''The Committee recognizes that, absent a state or Federal standard for perchlorate, the Department of Defense is

under no obligation to remediate perchlorate contamination at defense sites.''

It is more accurate to say that absent a State or Federal standard for perchlorate, there is uncertainty as to the level of perchlorate cleanup that would be required at each site, but there still is a legal obligation to remediate perchlorate contamination under Federal and State statutes including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and California's Carpenter-Presley-Tanner Hazardous Substance Account Act. Remediation would then proceed on the basis of a site-specific risk assessment or other criteria such as an Applicable, Relevant and Appropriate Requirement.

Madam President, as I stated earlier, this has been a challenging year. Senator HUTCHISON and I were faced with a difficult set of circumstances and a series of hard choices. We were able to develop a military construction program that comes within the constraints of the budget resolution, but I hope that the administration understands the importance of infrastructure as a key element of readiness and quality of life, and will present Congress with a more realistic budget request next year.

I thank the members of my Appropriations Committee staff, Christina Evans, and B.G. Wright, and to Chris Thompson of my personal staff for their hard work on this bill. Also, I wish to express my appreciation to Dennis Ward, of Senator HUTCHISON's staff for his cooperative and bipartisan effort throughout this process.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. As I said earlier today, the work Senator DURBIN has done on the legislative appropriations bill is, of course, exemplary, as was Senator FEINSTEIN's, the ranking member of the subcommittee.

As the Senator from Texas knows, last year I made a statement on the floor about the great work these two fine Senators had done on the military construction appropriations bill. My feelings have not changed. I think they have done an excellent job.

I had the honor of also chairing the subcommittee in years past. It is an extremely interesting subcommittee. It does so many important things for the men and women representing this country.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I rise briefly to make a few remarks about the military construction appropriations bill, and, uncharacteristically, I commend the Appropriations Committee—especially Chairman STEVENS and Chairperson HUTCHISON, as well as the other members of the committee—for reporting out a bill with the lowest number of earmarks I have seen in a long time.

The military construction appropriations bill for fiscal year 2004 has $80 million of unrequested and unauthorized military construction projects. Obviously, that is a lot of money. But I point out, to the great credit of the sponsors of this legislation on both sides of the aisle, it is far less than what was added last year, which was $900 billion.

What is egregious and objectionable in this year's military construction appropriations bill that I have not seen to this degree in previous years is the extent to which the appropriators earmarked projects in the unspecified minor construction accounts—totaling $80 million. The authorization committee, once again, was circumvented and the President's budget was not requested. But the fact is that this is a much smaller number than before.

In an effort to contain the wasteful spending inherent in member-requested construction projects, I sponsored, and the Senate adopted, merit-based criteria for evaluating member adds as a part of the fiscal year 1995 Defense Authorization Act. The criteria are:

One, the project is in service's future years defense plan.

Two, the project is mission essential.

Three, the project can be put under contract in the current fiscal year.

Four, the project doesn't conflict with base realignment proposals.

Five, the service can offset the proposed expenditure within that year's budget request.

These criteria have been useful in our efforts to determine programs of merit or nonmerit.

Regarding the reduction in the amount of member adds in this legislation, there are, of course, a couple we have found that I found at least somewhat entertaining. While some of our soldiers and sailors have been on food stamps, we have found a way to provide $1.4 million to replace a working dog kennel. It is good to see that Fido has not been left out of this year's military construction appropriations.

Having said that, I am grateful to my friends on both sides of the aisle, including the chairman of the Appropriations Committee and the chairperson of the Military Construction Subcommittee, for their arduous work on the bill and their continued unequaled support for our men and women in the military. Their attention and commitment to supporting only necessary projects that are high priorities of the services is exemplary this year, in my view.

I ask unanimous consent to have printed in the RECORD a list of the projects that were add-ons—not leaving out the replacement of the working dog kennel.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alaska:
Army:
Fort Wainwright:
Chapel Expansion 1.5
Gymnasium Addition 1.5
Fort Richardson Replace Ship Creek Bridge 1.5
Donnelly Training Area Unmanned Aerial Vehicle Maintenance Facility 1.5
Air Force:
Elmendorf AFB:
Repair Alaska Command Headquarters 3.0
Replace Working Dog Kennel 1.4
Army National Guard:
Angoon, White Mountain Federal Scout Readiness Center 1.0
Manokotak, Toksook Bay Napaskiak Federal Scout Storage Facilities 0.2
Air National Guard:
Kulis Mobility Storage Warehouse Addition 1.0
California:
Air Force:
Travis AFB Air Mobility Operations Group [AMOG] Global Reach Deployment Center 1.4
Army National Guard:
Sacramento Readiness Center 0.3
Air Force Reserve:
March Air Reserve Base Upgrade Utilities 1.4
Colorado:
Defense Wide:
Denver DoD Hospital [Tricare] 4.0
Florida:
Navy:
Pensacola NAS Blue Angels Hanger 1.4
Hawaii:
Navy:
Pacific Missile Range Facility Range Operations Complex 1.3
Defense Wide:
Honolulu Tripler Army Hospital, Biomedical Center 4.6
Idaho:
Army National Guard:
Gowen Field TASS Barracks 1.1
Illinois:
Army National Guard:
Marseilles Pistol Range Replacement 1.1
Iowa:
Army National Guard:
Camp Dodge Readiness Center 1.5
Iowa City Readiness Center/Maintenance Shop 0.8
Kentucky:
Army
Fort Knox Dining Facilities Renovation 0.2
Fort Campbell
Urban Assault Course 0.2
Conversion of Former Officer's Club 1.5
Louisiana:
Air Force Reserve:
Barksdale AFB Squadron Operations Center 0.4
Maryland:
Navy:
Craderock Naval Special Warfare Center Engineering Management and Logistics Facility 1.5
Indian Head Naval Special Warfare Center Joint Explosive Ordnance Disposal Technology Support Facility 1.2
Mississippi:
Army National Guard:
Monticello Readiness Center 0.5
Pascagoula Readiness Center 0.4
Missouri:
Army National Guard
Whiteman AFB Aviation Support Facility 1.8
Montana:
Air Force:
Malstrom AFB
Addition/Alteration to Fitness Center 0.7
Corrosion Control Facility 0.5

Nebraska:
Army National Guard
Grand Island Aviation Support Facility 1.6
New Hampshire:
Navy:
Portsmouth Naval Shipyard Structural Shop Consolidation 1.5
Norfolk Naval Shipyard Suspect Cargo Handling Facility 1.4
New Jersey:
Army:
Fort Monmouth Battery Test Facility 0.2
Air Force:
Lakehurst Combat Offload Ramp 0.4
New Mexico:
Air Force:
Holloman AFB War Reserve Material Storage Facility 1.0
New York:
Army National Guard
Rochester Aviation Support Facility 1.6
Nevada:
Army:
Hawthorne Army Depot Water Treatment Facility 3.0
North Dakota:
Air National Guard:
Fargo Repair Maintenance Shop 1.4
Ohio:
Army National Guard:
Hamilton Organizational Maintenance Shops 1.5
Air Force:
Wright-Patterson AFB Fire Crash Rescue Station 1.0
Oregon:
Air National Guard:
Klamath Falls Munitions Administration Facility 1.4
Pennsylvania:
Air Force Reserve:
Pittsburgh Air Reserve Station Headquarters Building, 911th Airlift Wing 0.7
Rhode Island:
Army National Guard:
Kingston, Aviation Support Facility 2.0
South Carolina:
Air Force:
Charleston AFB Child Development Center 0.5
South Dakota:
Army National Guard:
Watertown Readiness Center 1.2
Sioux Falls Unit Training Equipment Site 0.8
Texas:
Army:
Fort Bliss:
Chaffee (Main) Gate 0.9
Robert E. Lee (Main) Gate 1.2
Tactical Equipment Shop 0.6
Red River Army Depot Wheeled Vehicle Rebuild Facility 2.9
Air Force:
Lackland AFB Addition/Alteration to Training Annex Fire Station 1.0
Elevated Basic Military Training [BMT] Troop Walk at Carswell Avenue 0.8
Laughlin AFB:
Fire Department Addition 0.5
Squadron Operations Facility 0.2
Goodfellow AFB Fitness Center .. 1.5
Utah:
Air Force:
Hill Air Force Base Consolidated Software Support Facility 1.7
Washington:
Air Force:
Fairchild AFB Mission Support Complex 1.2
Vermont:
Army National Guard:
Colchester, Camp Johnson Information Systems Facility 0.5
Air National Guard:
Burlington Air Mobilization Facility 0.4
West Virginia:
Defense Wide:
Birdgeport Biometrics Training Center 1.4
Air National Guard:
Martinsburg C–5 Upgrades 5.0
Wisconsin:
Army Reserve:
Eau Claire Reserve Center 0.6

BUY AMERICA

SEC. 108. Prohibits the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

SEC. 112. Establishes preference for American contractors for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in the Arabian Sea.

TOTAL MEMBER ADDS—$80.1 million

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I thank the kinder and gentler Senator from Arizona. I am very pleased that he looked at our bill and found that we did meet the criteria because that is exactly what we intended to do.

The kennel is for dogs at an Air Force base. The dogs are security dogs, and they do need a place to stay.

Mr. MCCAIN. Might I ask where that is located?

Mrs. HUTCHISON. At Elmendorf Air Force Base. I think the Senator knows that is in Alaska. Dogs in Alaska need a place to stay, too. Maybe it is cold up there and they need shelter. I think it is certainly legitimate.

With that, we did work hard to make the priorities that we thought were right for our military personnel. No one deserves better treatment right now than the military personnel of our country. I thank the Senator from Arizona for his continuing interest in assuring that our military personnel have a quality of life. That has been his hallmark here.

I thank, once again, the chairman of the committee, Senator STEVENS, and Senator INOUYE, the ranking member, Senator BYRD, Senator FEINSTEIN, my ranking member, and our respective staffs. I am very proud of the work we did on the bill, and I do hope our military personnel do see better health care facilities, better barracks, better living quarters, and from this legislation I think they will.

Mr. REID. Madam President, I wonder if the Senator from Arizona has looked over the managers' package on this bill including 15 different items.

I am only kidding.

Mrs. HUTCHISON. Madam President, to clarify the record, and before the Senator from Arizona turns into the ''Incredible Hulk,'' there was no managers' amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, when the Senators brought this bill to the full committee—Senators HUTCHISON and FEINSTEIN—I was totally astounded at the consensus on this bill. This is a fairly difficult bill and there are difficult decisions in which the House may not concur. But the two Senators managing the bill proposed decisions for the Senate to which not one Senator has objected. I think that is really a milestone in dealing with this bill.

I congratulate the Senator from Texas and the Senator from California not only for their work product but for their work ethic, working together as a bipartisan team on a very difficult subject. I hope we can bring the bill back from the conference as it stands. I am not sure we can, but it certainly is an extremely good work product dealing with a whole myriad of subjects that affect our bases at home and abroad, and I congratulate the Senators for a marvelous job.

Madam President, we are close to wrap-up. I ask unanimous consent we temporarily set aside the pending business, and Senator DAYTON be allowed to make a statement about Iraq for 15 minutes while we prepare the wrap-up for this evening.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, before we move off this bill, I so appreciate the chairman's remarks. We could not have done it without our excellent staff work. On the majority staff, Dennis Ward has done an incredible job of research. He is the most thorough person we could have on the committee. I appreciate him very much.

Also, Christina Evans and B.G. Wright on Senator FEINSTEIN's staff, without their working relationship being so good, we could not have done so well. I wanted to add that to the record before we moved away from the bill.

Mr. STEVENS. Madam President, for the information of the Senate, I am informed we will open the Senate tomorrow at 9:15 a.m. We will have 15 minutes of debate and then proceed to the three votes that will be stacked at that time.

I renew my request to permit the Senator to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

IRAQ

Mr. DAYTON. Madam President, I thank the senior Senator from Alaska for making possible my opportunity to speak tonight on a trip to Iraq I took last week with several of our colleagues as members of the Senate Armed Services Committee and Senate Intelligence Committee, led by the chairman of the Senate Armed Services Committee, JOHN WARNER, who is an extraordinary leader of the committee. I do not know if his age is classified or not, but at his age, the kind of

energy, the kind of determination, the kind of enthusiasm and leadership he showed was just extraordinary. It was a privilege to be on this adventure with him and CARL LEVIN, our ranking member, who celebrated a birthday as we were traveling over there. The two of them set a sterling example for the rest of us to follow.

Then we met with the real superstars who are in Iraq: the men and women of our Armed Forces. I cannot say enough about the respect and admiration I have for those mostly young men and women from all over this country. They have performed superbly well. They have redefined the words ''patriotism'' and ''courage'' for this Senator. I am truly in awe of their skill and their performance under the greatest of danger, and their resolve, which continues to this day.

They are proud of what they have accomplished, as they should be. They achieved a tremendous military victory in 3 weeks' time, and now they are doing their utmost to preserve that victory while these other factors get resolved, and that is what I wish to address my remarks to this evening.

Stalwart as they are, those men and women pretty much asked all of us one question: ''When are we coming home?'' I did not have the answer. The military command with whom we met in Iraq did not have the answer. The Secretary of Defense yesterday did not have that answer. And that uncertainty, as well as the demands that are placed upon them—the risks, the dangers, and the pressures in this godawful environment with temperatures 115 degrees in the afternoon, sweltering heat, and soldiers dressed in flack jackets, heavy helmets, patrolling, doing what they must do, knowing they are now increasingly targets of Iraqi resistance. It is a gruesome situation they are enduring on behalf of our country and on behalf of the commitments they have undertaken. As I say, they are performing them incredibly well.

When we met in Baghdad with U.S. Ambassador Bremer and with the commanding general of the U.S. forces, General Sanchez, we asked what they thought was the course that had to be followed, and they both said independently the same thing: The United States had to stay the course in Iraq and keep its presence there until success was achieved.

We asked, What constitutes success? They each said three things. First, that Saddam Hussein and his sons must be found and removed permanently from Iraq.

Second, that law and order must be restored to that country.

And third, that a successor government, an Iraqi government, hopefully a democratically reelected Iraqi government, will be able to replace the U.S. civilian command and begin to run that country successfully.

The first objective, the elimination of Saddam Hussein and his two sons, should have been accomplished already. It must be accomplished very soon, and I believe it will be accomplished very soon. It is impossible to overstate the terror he strikes in the souls of the people of Iraq. People literally quiver when his name is even mentioned. They refuse to say anything about him. They do not even want to mention his name or respond to questions about him.

The new local leaders we met with in Kirkuk talked softly, and when his name came up, they talked so softly they were barely audible. It is as if they wanted to recede into the woodwork and become invisible, rather than be subjected to this man's cruelty and tyranny.

We heard stories about unspeakable cruelty orchestrated by him or his two sons, such as the soccer games played in their Olympic stadium where the members of the losing team would be taken below and tortured and then executed for losing a soccer game. Or even if someone scored the winning goal and it cost one of the son's his bet, that player could be taken down below and tortured and executed. To think of living one's life under those kinds of horrific circumstances at the whim of this insane, cruel, and demonic man and his sons.

We visited a mass grave site where a couple thousand bodies have been exhumed, the ones not identified and taken away by their Iraqi brothers and sisters. There are thousands of those grave sites, we are told, all over the country.

There is reason to believe that when those three men are permanently gone, unmistakably gone, identified clearly by the Iraqi people as bodies that are never again to rule Iraq, that more and more of the citizenry will come forward and will be willing to take that crucial first step toward allegiance with the United States but, more importantly, allegiance with their own future, with their own autonomous Iraq that they can create and run themselves.

After that first goal has been achieved, the other two, bringing law and order to this country and installing a successor government that is going to be viable over the months that will follow, is going to be even more challenging. Right now, U.S. forces are seeking out and training, putting into place some 60,000 to 70,000 police officers all over Iraq.

This is a monumental undertaking of its own, to screen out the wrong elements, those who were involved before in the Baath Party or secret police, and put them now in charge of law and order all over that country, law and order that is desperately needed because right now it is the U.S. troops who are required to patrol to reconstruct the peace, guarding public property which, we are told, if something has any value at all and is not being guarded, it will be quickly stolen, looted. While our troops are standing guard or patrolling, they are exposed targets. Increasingly, they are the targets of murderers who are seeking vengeance and trying to drive out our forces.

In fact, the day after we left Baghdad, a Minnesota soldier was killed, PFC Edward Herrgott from Shakopee, MN. He was 20 years old. He was killed, murdered really, by a sniper as he stood guarding the Baghdad Museum. Some of that hostility is being orchestrated by forces, some rumored to be by Saddam Hussein himself trying to retaliate against the United States military for the victories that were achieved, but some of it is also said to be caused by the lack of improvements that have failed to be made in the basic services upon which Iraqi citizens depend.

There is an article in yesterday's New York Times and I ask unanimous consent that it be printed in the RECORD at the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DAYTON. Let me read a couple of excerpts because this is really the crux of where I think we have fallen behind in our effort and where, until we do make up that effort and start showing some visible success, our troops are going to have an increasingly difficult time and increasingly become targets of hostility and reaction and where they are going to be bound to that country longer than they would need to be.

It describes the city of Abu Ghraib which is just west of Baghdad. It says:

> The constituents' woes came down to the essentials. They had no power, and thus no clean water. Their local elected leader was besieged with all of these requests for basic necessities of life.
>
> Mr. Dari could do nothing for the man who, lacking electricity, stayed up all night fanning a sick child, nothing for the 5-year-old child who was left legless by unexploded ordnance that detonated, a sight that caused him to weep. He could do nothing for the multitudes complaining of cars, weapons or relatives taken by American forces, other than give their names to the Americans. He could do nothing for those lacking drinking water or waiting for food rations.
>
> ''What do you tell the people—have more patience?'' he asked rhetorically. ''Till when?''

This local Iraqi leader went on to say:

> ''Conditions have never been worse,'' he said bluntly. ''We've never been through such a long bad period.''

The city has had only 1 to 3 hours of power a day in recent weeks. Drinking water cannot be pumped without electricity so people have to take their water from dirty canals. As I said before, when we were there, the temperatures in the afternoon were 115 degrees. I was told a couple of days before we arrived it had reached 130 degrees. If there is no electricity for air conditioning and other cooling, there are serious problems.

Crime, rare under the old government, is rampant. The leader said that

when he first met with the Americans he told them that they did not have much time to meet the expectations of the citizenry, and that he believes time is almost up. Yet, as of the other day, neither he nor the American colonel in charge of the troops there had ever had contact with the American-led civilian administration ostensibly governing Iraq, even though this man, Mr. Dari, oversees an area that is home to 900,000 people.

It is an impossible situation for our service men and women to be trying to uphold civil order in a foreign country with virtually no interpreters available to communicate with citizens, when they are in that state of frustration and agitation.

We met yesterday with the Secretary of Defense in the Armed Services Committee, who pointed to progress that has been made in this respect. I am sure that there has been progress in certain areas, but there is not enough progress being made in these nonmilitary efforts. They are not occurring in enough places in the country to take hold among the citizenry. And where they are occurring, at least from what we saw on our trip, it is the U.S. and British troops who are performing these nonmilitary services.

For example, in Kirkuk, which is north of Baghdad, U.S. forces conduct raids at night against what are believed to be enemy cells of resistance, and then by day they are hauling away thousands of tons of accumulated garbage, old garbage, and repairing rundown schools. The British troops with whom we met in Basra, in southern Iraq, are rebuilding a hospital. They are doing wonderful work, but that is not what they are there to do.

To ask them to be engaged in military activities, policing the streets of these cities, doing repair work or hauling away old accumulated garbage in their spare time, which they have done, is just really senseless. It is overburdening them. It is unfair to them, and it means that not enough of these nonmilitary projects, economic rehabilitation, social rehabilitation programs, are underway or visible anywhere in Iraq for the citizens of that country to see that they have hope for a better future.

They expect the United States of America, which they view as omnipotent because we came in and swept their military aside and occupied those cities and the country, to deliver services as basic as electricity or running water, and when we cannot do so and when the conditions are markedly worse than they were under Saddam Hussein, we have a very serious problem with the reception there. Our troops, our young men and women, are literally going to pay for these failures with their lives.

I was recently told about a story of a company in Ohio that makes hospital surgical beds. They were willing to send as many of these surgical tables over to Iraq as could be used—such as for the 5-year-old legless boy who needed surgery—to save lives and be recognized as having come over from the United States of America to help dress the wounds, literally and figuratively, that exist there. The company is still waiting to hear back from the Deputy Secretary of Defense's office regarding that offer to donate and transport, at their expense, these hospital facilities.

If the United States can bring in, as we have because we must, tent cities with electric generators, with sewage disposal systems, with portable toilets, why can't electric generators be brought in that will produce some of the electricity that these cities need so that they can again appreciate the benefits of what we have brought to them, not only the liberation of spirit and soul and body, but also the ability to function as they must and move forward as they must?

I urge the administration that the same efforts be made, with the same intensity of effort, the same—not quite the same funding but considerable effort be made—to bring about this renovation.

Ultimately, that reconstruction is going to take decades. It is the responsibility of the Iraqi people to undertake it and to pay for it, but in the short run, in the immediate sense, those projects are not going to occur unless the United States is the initiator, provides the leadership, and provides the initial financial resources. If we do not see a plethora of those kinds of improvements overall, if we do not see children who are outside playing with soccer balls donated by American children who sent them over there, we do not establish that basic connection, then we are going to be there far longer than we should be and longer than anybody over there now wants us to be. We are going to suffer casualties far greater than we should.

So I implore the President and the administration to undertake this effort with the same magnitude of skill and American know-how that succeeded so wonderfully militarily so we can bring our folks home.

I yield the floor.

EXHIBIT 1

[From the New York Times, July 9, 2003]

FOR A TOWN COUNCIL IN IRAQ, MANY QUERIES, FEW ANSWERS

(By Amy Waldman)

ABU GHRAIB, IRAQ, July 5.—On a recent morning, the Abu Ghraib town council was hearing the usual litany of complaints, offering its usual mix of help and, mostly, impotence in return. Overhead, a fan turned, but the air did not.

The constituents' woes came down to the essentials. They had no power, and thus no clean water—could they get generators? They had no security—could they get weapons permits?

If anyone could help them, it should have been the man at the center of the scene, Dari Hamas al-Dari. In April, he was selected by the local tribes to lead Iraq's first freely formed town council after the fall of Saddam Hussein. Since then, he has sat at a desk in a white robe and headdress, in a room lined with men in tribal robes and Western dress all looking to him for answers. He has not had many.

Mr. Dari could do nothing for the man who, lacking electricity, stayed up all night fanning a sick child, nothing for the 5-year-old child who was left legless by unexploded ordnance that detonated, a sight that caused him to weep. He could do nothing for the multitudes complaining of cars, weapons or relatives taken by American forces, other than give their names to the Americans. He could do nothing for those lacking drinking water or waiting for food rations.

''What do you tell the people—have more patience?'' he asked rhetorically. ''Till when?''

If America has natural allies in Iraq, they are men like Mr. Dari. He attended the American Jesuit school in Baghdad, then university in Frankfurt. He has lived in Europe and speaks excellent English. He maintained his independence throughout Mr. Hussein's rule, shunning the material blandishments with which Mr. Hussein bought the loyalty of many tribal sheiks.

A part-time farmer and businessman, he is a member of the sizable Zobaa tribe, which his brother leads. He welcomed the Americans and has worked closely with their military commanders in his area.

So the impatience creeping into his voice and the frustration lining his handsome face bode poorly for the fate of the American-led occupation here—even if American officials succeed in drawing Iraqis into a new national leadership. There is no indication that Mr. Dari, who is 64, would turn on the Americans. He is simply losing faith in them.

''Conditions have never been worse,'' he said bluntly. ''We've never been through such a long bad period.''

Abu Ghraib—a largely agricultural area just west of Baghdad that is also home to Iraq's most notorious prison—has had only one to three hours of power a day in recent weeks. Drinking water cannot be pumped without electricity, so people take water from dirty canals.

The food ration system that functioned smoothly under Saddam Hussein is breaking down, out here at least. Trucks leave Baghdad laden with food, but it mysteriously gets offloaded at markets along the way.

Crime, rare under the old government, is rampant. Mr. Dari's car was taken from him at gunpoint in Baghdad recently. Four of his council members have been the victims of carjacking attempts. And while the criminals are well-armed, the Americans are disarming the victims, taking weapons while the weapons licenses they insist on are in short supply.

''People here feel naked without their pistols,'' Mr. Dari said, putting his own in a holster.

In a time of rising discontent, Mr. Dari is the buffer between occupier and occupied. It is a role that, historically, has earned little appreciation. Recent attacks on Iraqis cooperating with the Americans suggest that this chapter will be no different.

''We are stuck between the Americans and our people,'' Mr. Dari said of the council, which sits, for no salary, from 8 a.m. to 2 p.m. daily. ''And there were so many promises from one side.''

Some people are calling the council members ''America lovers'' and traitors, he said, because they are working with the Americans.

''He's caught in the middle,'' one of his American partners, Lt. Col. Jeff Ingram of the First Armored Division, acknowledged. ''He defends us a lot.''

These days, Mr. Dari is warning the American more than he is defending them. When he first met with them, he said, he told them

that they did not have much time to meet people's expectations. That time is almost up, he believes.

''I'm not threatening your with another Vietnam—God forbid,'' he said. ''I'm just trying to get help for the people before something happens.''

Something is already happening, of course. Out here, as across much of Iraq, the attacks on Americans are stepping up. Colonel Ingram said his company is being attacked at least once a day, fortunately by men who are not very good shots.

Colonel Ingram blames the Iraqis for most of the area's problems, saying it is they who have torn down the power lines he fixed, they who are robbing one another. ''The U.S. is not the problem, it's the solution,'' he said.

But he too wonders about the slow pace of rebuilding. ''I would have expected the U.S., the biggest country in the world, to say here's the water purification system, here's the big generator,'' he said.

As of the other day, neither Mr. Dari nor Colonel Ingram had ever had any contact with the American-led civilian administration ostensibly governing Iraq, although Mr. Dari oversees an area that is home to 900,000 people.

So they soldier on alone, often seeking progress in vain. The council tried to distribute generators found at a Republican Guard camp to villages, but found that many of the village ''representatives'' were driving out of the camp and selling the generators. Others were being set upon by angry mobs wanting the generators for themselves.

American soldiers were deployed to keep order, but in the heat and chaos their tempers frayed. They broke windshields and cursed at Iraqis, further shrinking the reservoir of good will.

Mr. Dari said he received 10 to 12 complaints a day about weapons, cars or relatives taken by the Americas. One man came to report that American soldiers had taken away his deaf relative a month ago for having a picture of Saddam Hussein in his house, and that he had not been seen since. Officials from an Islamic charity said the Americans had confiscated their car and raided their office—the left both unsecured, giving looters free rein.

Then there are the small problems. The woman who is illegally squatting in a government building (American soldier told Mr. Dari they could not evict her unless she threatened someone; property rights were not their ''purview.'') The two council members whom the council dismissed for corruption. The effort to find the American commander with the authority to sign a contract for garbage collection.

Mr. Dari is just old enough to remember when the British had an air base just west of here. They told Iraqis they had come to liberate them from the Ottomans, he recalled, and they stayed 40 years.

''I hope history isn't repeating itself,'' he said, and pressed his temples as if hoping to make the impatient men at both elbows disappear.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. I ask unanimous consent that following the vote in relation to the Sessions amendment, which is amendment No. 1202, the legislative branch appropriations bill be read a third time and the Senate then proceed to a vote on the passage of the bill with no intervening action or debate; provided further that immediately following that vote the Senate proceed to vote on the passage of the military construction appropriations bill, again with no further intervening action or debate; provided further that no further amendments or motions or points of order be in order to either bill.

I further ask unanimous consent that following the votes on passage of the two bills, the Senate then insist on its respective amendments, request conferences with the House, and the Chair be authorized to appoint conferees on the part of the Senate for both bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, I have been trying to get some time to pay tribute to some of my constituents, military personnel, who were killed in Iraq since the war was officially declared over. I wanted to tie that into my vote for the Biden amendment on the State Department bill, which called for the President to consider asking NATO and the United Nations to share the burden with our troops on the ground. I was hoping it would be a little stronger because I believe that is what ought to happen. I have said that for a very long time now. At least, it is a step in the right direction.

We are losing too many of our people. I want to honor and remember 14 young Americans who were from California, or were based in California, and who have died since the war was declared over by President Bush.

We are losing too many of our people. Today, I want to honor and remember 14 young Americans who were from California or were based in California and who have died since the war officially ended.

Marine PFC Jose F. Gonzalez Rodriguez, age 19, died May 12 in Iraq. He was assigned to the 1st Force Service Support Group, Camp Pendleton, California. He was from Norwalk, California.

Marine CPL Jakub H. Kowalik, age 21, was killed May 12 in Iraq. He was assigned to the 1st Force Service Support Group, Camp Pendleton, California. He was from Schaumburg, Illinois.

Marine CPL Douglas Jose Marencoreyes, age 28, was killed on May 18 in Iraq. He was assigned to the 4th Marine Division, Camp Pendleton, California. He was from Chino, California.

Marine CPT Andrew David Lamont, age 31, was killed on May 19 in a helicopter accident in Iraq. He was stationed at Camp Pendleton, California, and was from Eureka, California.

Marine LCpl Jason William Moore, age 21, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from San Marcos, California.

Marine 1LT Timothy Louis Ryan, age 30, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from Aurora, Illinois.

Marine SSgt Aaron Dean White, age 27, was killed on May 19 in a helicopter accident in Iraq. He was assigned to the 3rd Marine Aircraft Wing, Camp Pendleton, California. He was from Shawnee, Oklahoma.

Marine Sgt Kirk Allen Straseskie, age 23, was killed on May 19 during an attempt to rescue victims of a helicopter accident in Iraq. He was assigned to the 4th Marine Regiment, Camp Pendleton, California. He was from Beaver Dam, Wisconsin.

Marine Sgt Jonathan W. Lambert, age 28, died on June 1 as a result of injuries sustained in an accident on May 26 in southern Iraq. He was assigned to the 1st Marine Division, Camp Pendleton, California. He was from New Site, Mississippi. He is survived by his wife, a 2-year-old daughter, his parents, a sister, and two grandparents.

Army Sgt Atanacio Haro Marin Jr., age 27, was killed by enemy fire on June 3 in Iraq. He was attached to the 16th Field Artillery Regiment at Fort Hood, Texas. He was from Baldwin Park, California. He joined the National Guard after he graduated from high school. Following his service with the National Guard, he transferred to the Army.

Marine PFC Ryan R. Cox, age 19, was killed on June 15 in Iraq. He was stationed at Twenty-nine Palms, California. Hew was from Derby, Kansas.

Army SP Paul T. Nakamura, age 21, was killed on June 19 when his ambulance was struck by a grenade in Iraq. He was from Sante Fe Springs, California. He was attached to the 437th Medical Company, based in Colorado Springs, Colorado.

Army SP Andrew Chris, age 25, was killed on June 25 in Iraq. He was assigned to Company B, 3rd Battalion, 75th Ranger Regiment, Fort Benning, Georgia. Before he joined the Army, he lived for several years in California, most of them in the San Diego area. He planned to teach high school history when he completed his military career.

Marine Cpl Travis J. Bradachnall, age 21, was killed on July 2 near the city of Karbala, Iraq. He was assigned to the Combat Service Support Group 11, Camp Pendleton, California. He was from Oregon.

Mr. President, 55 individuals who were from California or based in California have died while serving our country in Iraq.

The people of California, as well as all Americans, mourn their loss. May

these beautiful young Americans rest in peace. I also continue to pray for those who have been wounded in this conflict. I wish them the very best as they recuperate from their injuries.

I hope that all of our brave young women and men serving abroad will return home safely. They deserve to be relieved soon. Many have been there much longer than they anticipated. Their families need them.

They face an extremely dangerous situation. Many say they are more fearful now than they were in the height of the war.

I agree with those who are calling for the peacekeeping troops to be an international force. That would ease the burden on our men and women in uniform and would also make them less of a target.

There is no reason that this shouldn't be done as soon as possible so that I and others do not have to come to the Senate floor for the purpose of delivering painful and heartbreaking eulogies.

Thank you, Mr. President. I yield the floor.

IN MEMORIAM OF EUGENE AUGUSTINE JENKINS, JR. OF MARYLAND

Mr. FRIST. Madam President, I would like to notice the passing this week of Eugene Augustine Jenkins, Jr. of Maryland, a loyal Senate staff member and legal counsel to several senators over the course of almost four decades. Gene Jenkins came to the Senate in 1953 after serving in the Air Force as an Assistant Judge Advocate General from 1951 to 1953, and after receiving bachelor and law degrees from Georgetown University. He worked for Senators J. Glenn Beall and Charles McC. Mathiais of Maryland, Senator Winston Prouty of Vermont and Senator Roman Hruska of Nebraska.

During his long years of service, Gene Jenkins garnered a reputation not only as a fine lawyer but also as the most meticulous historian and archivist that a Senator could hire to prepare their historical records and papers. A Senator who hired Gene Jenkins would have to hid the fact by hiding Jenkins' office because Jenkins' reputation was so well known that if a Senator had hired him, it clearly signaled that the Senator was about to retire.

A member of the family that once owned Jenkins Hill, which we now call Capitol Hill, Gene Jenkins not only served the Senate modestly but he was a public servant and good citizen in the truest sense, dedicating himself to numerous voluntary organizations, including his beloved Society of the Cincinnati and the Stewards of Georgetown. He was devoted to his church and volunteered for many years with Mother Theresa's Sisters of Charity. He will be buried this coming Monday at St. Joseph' Parish in southern Maryland, one of the oldest Roman Catholic churches in North America, near his family home in Pomfret where the Jenkins family has been buried for generations—a final resting place befitting a historian. May he rest in peace.

VOTE EXPLANATION

Mr. CHAFEE. Mr. President, earlier this week, I voted in favor of invoking cloture on the motion to proceed to S. 11, the Patients First Act of 2003. My vote was not an endorsement of S. 11 as it was introduced in the Senate. In fact, I have concerns about various aspects of the bill—including the $250,000 cap on noneconomic damages—and I anticipate supporting amendments to S. 11 if the Senate has an opportunity to fully debate this legislation.

However, I do believe that reform of the medical liability system should be part of a comprehensive response to surging medical malpractice premiums that endanger Americans' access to quality medical care by causing doctors to leave certain communities or cease practicing medicine altogether. For this reason, I voted for cloture on S. 11 in an effort to move the debate forward.

I commend Senator FEINSTEIN of California for working with the majority leader to craft a bipartisan proposal for reform, and I am hopeful that they will revive their discussions in the near future.

SYRIA ACCOUNTABILITY ACT

Mrs. BOXER. Madam President, I wish to discuss S. 982, the Syria Accountability Act. Senator SANTORUM and I introduced this legislation on May 1. In just over 2 months, this bill has received 63 cosponsors.

After discussing this issue with Senator LUGAR, the chairman of the Senator Foreign Relations Committee, Senator SANTORUM and I have decided against offering this legislation as an amendment to the State Department authorization bill.

Senator LUGAR has agreed to hold a hearing in his committee on the issue of Syria in the near future. I am very grateful for his cooperation. The Syria Accountability Act would expand U.S. diplomatic and economic sanctions against Syria unless a certification can be made that Syria no longer supports terrorism, has withdrawn from Lebanon, and has ended its pursuit of weapons of mass destruction.

The legislation does not in any way advocate the use of force against Syria. The goal is to give the President and the Secretary of State the ability to exert economic and political leverage on Syria because of the serious policy concerns we have with the Syrian government.

It is well known that terrorist organizations like Hizballah, Hamas, and the Popular Front for the Liberation of Palestine maintain offices, training camps, and other facilities on Syrian territory and in areas of Lebanon occupied by the Syrian armed forces. This bill addresses this issue by confronting the Government of Syria in a diplomatic way that shows the seriousness of our concerns.

The Syria Accountability Act of 2003 would impose various sanctions on Syria, including a prohibition on the export of defense and dual-use items. In addition, the act requires the President to impose two or more of the following sanctions: 1, prohibiting the export of products of the U.S. other than food and medicine to Syria, 2, prohibiting U.S. businesses from investing or operating in Syria, 3, restricting Syrian diplomats in Washington, DC and at the United Nations to travel only within a 25-mile radius of Washington, DC or the United Nations, respectively, 4, reducing U.S. diplomatic contacts with Syria, and 5, blocking transactions in any property in which the Government of Syria has any interest.

The President is authorized to waive any or all of these five sanctions if it is in the national security interest of the United States. It is imperative that we hold all nations that are responsible for the proliferation of international terrorism and regional instability in the Middle East fully accountable for their actions. If we do not, the credibility of our antiterrorism efforts diminishes, along with our chances for victory over terrorism and for truly positive change in the Middle East. I thank the Chairman of the Foreign Relations Committee for his assistance.

HONORING OUR VIETNAM VETERANS ON JULY FOURTH

Mr. DURBIN. Madam President, I rise today to recognize and applaud VFW Post 2164 of Wheaton, IL for sponsoring the Moving Wall in Wheaton during its Independence Day celebrations from June 30 to July 6 this year. I had the honor of marching in the Wheaton July 4th parade last Friday and viewing the Moving Wall. I was especially impressed by the community's tribute to fallen Vietnam veterans that was delivered at the parade reviewing stand.

The Moving Wall is a half-sized replica of the Vietnam Veterans Memorial here in Washington. The Memorial was dedicated in 1982 in honor of the men and women of the Armed Forces of the United States who served in the Vietnam War. The black granite wall, engraved with the names of those who gave their lives and those who remain missing, serves as a somber reminder of the costs of war in American lives and treasure.

The idea of a moving wall was conceived by Vietnam veteran John Devitt while attending the Vietnam Veterans Memorial dedication in 1982. Devitt's idea was deeply personal. He had been out of work when the wall was dedicated and had made the trip with financial help from family and friends. ''There were millions of people who would never be able to come to Washington,'' he later explained: ''I wanted

them to be able see and feel what I had.'' Mr. Devitt accomplished his mission as millions of people in hundreds of American communities have visited the Moving Wall during its 20 years of existence.

The Moving Wall was built by Devitt, Norris Shears, Gerry Haver and other Vietnam veterans, and was displayed for the first time in Tyler, TX in October of 1984. Currently, there are two Moving Walls, which crisscross the country from April to November each year.

The 462-strong VFW Post 2164, commanded by Korean War veteran Sonny Carson, and the citizens of Wheaton, IL are to be commended for raising the $26,000 required to bring the Wall to Wheaton. The Wall's presence in Wheaton was a particularly poignant event as the names of 14 of its sons are engraved upon the Wall's granite face, including a Medal of Honor recipient, James Howard Monroe.

The goal of bringing the Moving Wall to Wheaton was to help close old wounds, and to educate the community about the war in Vietnam and its profound effect on our Nation and our veterans. It is my pleasure to congratulate the members of VWF Post 2164 and the citizens of Wheaton for achieving that goal, and for helping the rest of us honor and remember those who made the ultimate sacrifice for our country.

MONEY FOLLOWS THE PERSON

Mr. SMITH. Madam President, my job as a Senator is to help protect and defend the freedoms of all Americans. Among the most basic freedoms are those we most often overlook: the freedom to choose where we live—for example, among family and friends and not among strangers—the freedom to walk down your neighborhood street, and not in a restricted courtyard; and the freedom to be an active member in your community.

All too often, these basic freedoms are denied to older Americans and Americans with disabilities. I have noticed an alarming trend in this country: we are unnecessarily isolating people with disabilities from their communities, friends, families, and loved ones by placing them in institutional care facilities.

Many of these Americans should not be in a nursing home or other institutional setting. Many Americans with disabilities could be better served—and better integrated into their communities—by allowing them to live in community-based homes.

However, recent data indicates that 70 percent of Medicaid dollars are spent on institutional care and only 30 percent are spent on community services for the disabled. Because Medicaid requires that States provide nursing home care for Americans with disabilities but does not require the same for community-based services, many individuals with disabilities and older Americans are forced to live in isolated settings.

In order to preserve the freedoms of our friends in the disabled community and their loved ones, we must do something to reverse this trend. I would therefore like to join my distinguished colleague from Iowa as a cosponsor of the Money Follows the Person Act of 2003. The Senator from Iowa and I first introduced the provisions of this act as an amendment to S. 1, the Medicare and Prescription Drug Improvement Act of 2003.

This bill would enact the President's 2004 Money Follows the Person Program to give people with disabilities the freedom to choose where they want to live. Under this legislation, Oregon's effort to help an individual move out of an institutional facility and into a community home would be 100 percent federally funded for 1 year. After that first year, the Federal Government would pay its usual rate. Under the provisions of this bill, States can take advantage of $350 million annually for 5 years for a total of $1.75 billion.

These dollars can help reintegrate countless older Americans and Americans with disabilities into a setting where they can be more active citizens. For instance, this bill is supported by the Oregon Chapter of Paralyzed Veterans because it helps honor and reintegrate those veterans whose disabilities resulted from noble and selfless service to this Nation.

Under the Americans with Disabilities Act and the Olmstead Supreme Court decision, we know that the needless institutionalization of Americans with disabilities constitutes discrimination under the Americans with Disabilities Act.

Americans everywhere realize the value of integrating Americans with disabilities into our communities. Needlessly isolating productive citizens from their communities, whether they are disabled or not, is unfair and unjust. It is time we work to reintegrate disabled Americans back into our communities.

I urge my colleagues on both sides of the aisle to support this important bill and to support the freedom of choice for Americans with disabilities.

LAOS

Mr. FEINGOLD. Madam President, I rise today to express my concern over recent events in Laos. As a member of the Subcommittee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations, I have consistently monitored the human rights situation in Laos and other East Asian nations. Recent news reports indicate that the human rights situation continues to deteriorate in Laos, specifically for the Hmong ethnic group.

As many of you may know, two European journalists and their translator, a Hmong-American pastor from Minnesota, were captured by the Lao government on June 4, 2003 and sentenced to 15 years of prison. After serious diplomatic negotiations between the governments of Belgium, France, the United States and Laos, they were released from prison on Wednesday. While I am relieved that the Lao government has freed these people, I remain concerned about the continuous allegations of human rights violations by the Lao government. Amnesty International reports that Lao nationals who accompanied the journalists remain in detention without legal representation and are being tortured with sticks and bicycle chains, which I find horrifying. I also find troubling reports by the freed journalists regarding the ''sham'' trials they experienced.

In addition, Time magazine has recently released two articles that accuse the government of waging a war against the Hmong ethnic community within Laos. The articles state that the Lao government attacked a Hmong village in October, killing 216 people and has threatened to ''eradicate'' the population of Hmong. Time magazine also claims that ''no political dissent has been allowed in [Laos for] 28 years, nor any right of assembly. Scores of political prisoners and youths have been detained for years in dark cells without trial; many have been tortured.''

While I cannot confirm the specific allegations of the article, many of my Hmong constituents have raised similar concerns about the human rights conditions in Laos and the welfare of their families and friends who are living there. I strongly believe that the United States cannot ignore violations in Laos. I have consistently supported efforts to promote human rights and democracy in Laos, and in the 106th Congress, sponsored a resolution calling upon the Government of Laos to recognize and to respect the basic human rights of all its citizens, including ethnic and religious minorities.

Once again, I ask the Lao government to allow international humanitarian organizations to have access to areas in which Hmong and other ethnic minorities have resettled, to allow independent monitoring of prison conditions, and to release prisoners who have been arbitrarily arrested because of their political or religious beliefs. These violations must not continue.

THE WEISS REPORT

Mr. MCCONNELL. Madam President, during consideration of the motion to proceed to S. 11, I took exception with several findings included in the Weiss Report on Medical Malpractice Caps that I believed misinterpreted the data of the Medical Liability Monitor and the National Practicioner Data Bank. Following the vote on the motion to invoke cloture, I received a report supporting my conclusions from the Physicians Insurance Association of America as well as a statement from the Division of Practicioner Data Banks. I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WEISS RATINGS REPORT ON MEDICAL MALPRACTICE CAPS—PROPAGATING THE MYTH THAT NON-ECONOMIC DAMAGE CAPS DON'T WORK

On June 3, 2003, Weiss Ratings, Inc. published a report regarding the performance of the medical malpractice insurance industry entitled Medical Malpractice Caps The Impact of Non-Economic Damage Caps on Physician Premiums, Claims Payout Levels, and Availability of Coverage. The major recommendation of the report is that ''Legislators should put proposals involving non-economic damage caps on hold until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal costs.'' Unfortunately, the Weiss report is ill conceived, and misleads the reader by falsely demonstrating that non-economic damage caps have not worked. Both of the data sources used by Weiss have gone on record disagreeing with the report's methodology, as described herein.

The conclusions drawn by Weiss are opposite of those previously published by reputable entities, such as the Congressional Budget Office, US Department of Health and Human Services, Joint Economic Committee of the United States Congress, Standard & Poors, American Academy of Actuaries, Tillinghast, and Milliman, USA, to name a few (see Appendix A). Unlike Weiss, all of these highly respected organizations have considerable experience and acceptance by government and industry for their knowledge and analytical product.

The purpose of this document is to evaluate Weiss' use of the data and analytical process. In short, Weiss misuses published industry data in an effort to demonstrate that non-economic damage caps enacted by several states have not been effective in reducing medical malpractice premiums in those states as compared to states without caps. Weiss underestimates the ''average'' claim costs for the two groups of states by employing inappropriate analytical technique to represent the burden on insurers. This is an error that is readily obvious to those who work with medical malpractice claims data, and it misleads the reader to an inappropriate conclusion.

WHAT DID WEISS DO WRONG?

Grouping the States

Weiss has grouped 19 states as having caps on non-economic damages, and 32 others (including the District of Columbia) as not having caps. Unfortunately, states with effective caps, such as California with a $250 thousand cap, are considered the same as states having various levels of caps up to and including $1 million. In fact, only 5 of the 19 states have a $250 thousand dollar cap similar to that being proposed under current legislation. Eleven of the states have caps of $500 thousand or greater. No attempt has been made to evaluate the effectiveness of caps at various levels, they have simply been lumped together. The American Academy of Actuaries has testified that caps are a key element of tort reform, and must be set at a level low enough, such as $250,000, to have an effect. Any comparison chosen to demonstrate the effectiveness of non-economic damage caps should be sensitive to the level of caps in the various states and to their individual effectiveness.

In addition, as clearly shown on Appendix 1 of the Weiss report, more than half of the states enacting non-economic damage caps had not done so prior to the baseline date of 1991. Weiss compares premiums and claims costs for only two years, 1991 and 2002. The caps enacted in 10 states were not in place in 1991, and thus, these states should not be included in the ''cap states'' category for this analysis. Two other states had only adopted their caps in 1990, and the beneficial effects of these laws may not have been recognized in the data by 1991 due to constitutional challenge and uncertainty about the ultimate effects of the caps.

Measuring the Premiums

Weiss uses the annual insurance rate surveys published by Medical Liability Monitor (MLM) for three medical specialties as the source of insurance premium data. He calculates median average premiums by state and then calculates a median premium for 1991 and 2002 for the two groups of states.

For example, Alabama had two insurers listed in the 2002 study, each with a premium for the three specialties. Weiss simply ranks the premiums from least to most, and then selects the middle value (or mean average of the two middle values when there is an even number of rates) as the median average value, as shown below.

MEDICAL LIABILITY MONITOR RATE SURVEY DATA
ALABAMA

Insurer	Specialty	1991 rate	2002 rate
FPIC	Internal Med	N/A	$6,043
ProAssurance	Internal Med	$5,008	6,806
FPIC	Gen Surgery	N/A	19,286
ProAssurance	Gen Surgery	25,629	27,694
FPIC	OB/GYN	N/A	36,506
ProAssurance	OB/GYN	45,368	38,873
Median		25,629	[1] 23,490

[1] Calculated as the mean average of $19,286 and $27,694.

Alabama was selected for this discussion simply because it is alphabetically the first state. However, these data demonstrates many reasons why the use of the median is improper:

Data for different insurers are used for the two comparison years.

The median value is representative of only general surgery rates because general surgery rates are always higher than internal medicine and lower than OB/GYN.

Because two carriers are represented in 2002 and only one in 1991, the median value chosen by Weiss (the average of the two general surgery rates) is actually lower than the 1991 rate. However, the actual general surgery rates for the only carrier shown for both years increased—the opposite of Weiss' result.

The premiums shown are not adjusted for various discounts or surcharges, and do not reflect any dividends which may have been paid back to policyholders, thus reducing their total outlay. Medical malpractice insurers paid substantial dividends in the 1991 era, which had been largely reduced by 2002 due to industry losses.

Using the product of this calculation to represent insurance industry revenues is flawed for many additional reasons. First, there is no certainty that any of the table rates listed in MLM are actually charged. Carriers may have a premium filed in a given state (or in multiple territories in states), but may not write much business there. Weiss' analysis gives no weight to the actual amount of insurance sold by the various companies in any state, nor does it reflect discounts or surcharges which are routinely applied to standard premiums. In addition, many insurers pay policyholder dividends, which in effect reduce the annual premiums paid.

MLM has objected to Weiss' misuse of its data. In a July 7, 2003 email to Senate Majority Leader Frist, MLM Editor Barbara Dillard states ''We believe it is misleading to use median annual premiums compiled with data from Medical Liability Monitor to demonstrate the effect of non-economic damage limits on liability rates.''

The Weiss analysis only includes premium data for three medical specialties, thus ignoring the experience for all of the rest. Even more glaring is the fact that the MLM data does not exist for seven of the capped states and five of the non-capped states for 1991. But, this did not stop Weiss from irresponsibly including these states in the analysis (see Weiss's Appendix 1 and 2).

An analysis using actual premiums as reported to the National Association of Insurance Commissioners (not medians) is helpful in evaluating differences between states having effective damage caps throughout the period of Weiss' analysis and those without. Such premiums include surcharges and discounts which may have been applied to standard rates.

The four states having a $250,000 cap prior to 1991 (CA, CO, IN, KS) saw their total premiums increase by 28.0 percent between 1991 and 2001 (2002 data not available yet). States not having the $250,000 non-economic damage cap experienced a collective 47.7 percent increase in premiums, over 70 percent greater. See Appendix B for details. This wide gap in premiums actually collected compares inversely to Weiss' faulty conclusion that annual premiums in states with caps increased by 48.2 percent as compared to 35.9 percent in states without caps.

Measuring Claim Costs

In order to evaluate the difference in claim costs between the two groups of states, Weiss analyzes median claim payments by state for 1991 and 2002 as reported to the National Practitioner Data Bank (NPDB). The NPDB provides the only readily available source of medical malpractice insurance indemnity payments by state. However, in order to use these data effectively, one must understand the nature of the claim payment values reported, and the shortcomings from that which might be normally expected (see Appendix C for a discussion of the NPDB claim payment data).

The use of the median claim payment value greatly compromises the accuracy of Weiss' analysis. While the median (or middle value of the claim payment distribution) might be an effective descriptor of what a plaintiff might receive as payment (before paying almost half to his/her lawyer), it cannot be used to measure the claim payment burden on insurers. The use of total claim payments reported by state shows a much larger differential result than Weiss' reported payout increase of 83.3 percent for capped states as compared to 127.9 percent for non-capped states.

The increase in total claim payments for the four states having a $250,000 non-economic damage cap during the period of the Weiss analysis is 52.8 percent, compared to 100.1 percent for all other states—an 89.6 percent difference (See Appendix D). Thus the experience in the capped states is almost twice as good as that for states without effective non-economic damage caps prior to 1991. Using his faulty median calculation, Weiss would have us believe that the difference is only 53.5 percent (127.9/83.3).

The NPDB has gone on record opposing Mr. Weiss' methodology, saying that ''Although the statistical median is usually the best measure of the 'average' malpractice payment received by claimants, it does not show the 'burden on insurers.' The 'burden on insurers' is the total amount of dollars paid, not the 'average' or median payment.'' (see Appendix E for NPDB statement).

Investment Performance

In addition to inappropriate analysis of premium and claims data, the Weiss report comments on the investment performance of

medical malpractice insurers. Being a long tail line of insurance, medical malpractice insurers routinely utilize the investment income generated by the premiums they collect and hold for the payment of claims in the future. It is no secret that bond yields have declined over the past decade, and are now at historically low levels.

In spite of the fact that medical malpractice insurers are 80 percent invested in bonds and have less than 10% invested in the stock market, Weiss still concludes that stock market losses are responsible for insurers' poor performance. While the fall in interest rates has reduced the interest income available to offset premiums, Weiss fails to mention that when rates go down, bond values go up, and insurers have been able to book capital gains to bolster their investment income.

The total return on investments for the industry has remained fairly stable, and does not explain why rates are rising. Rates are rising because of increasing claim costs.

CONCLUSION

The Weiss report recommends that ". . . legislators must immediately put on hold all proposals involving non-economic damage caps until convincing evidence can be produced to demonstrate a true benefit to doctors in the form of reduced med mal cost." This information exists, as reported herein and by many other reputable sources, and now is the time for the enactment of effective federal health care liability reform.

APPENDIX A—REPUTABLE SOURCES KNOW THAT MICRA'S CAP REINS IN PREMIUMS

Congressional Budget Office—"CBO's analysis indicated that certain tort limitations, primarily caps on awards and rules governing offsets from collateral-source benefits, effectively reduce average premiums for medical malpractice insurance. Consequently, CBO estimates that, in states that currently do not have controls on malpractice torts, H.R. 5 would significantly lower premiums for medical malpractice insurance from what they would otherwise be under current law. . . . premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law."

[CBO Cost Estimate of H.R. 5, the HEALTH Act, March 10, 2003.]

U.S. Department of Health and Human Services—"States with limits of $250,000 or $350,000 on non-economic damages have average combined highest premium increases of 12–15 percent, compared to 44 percent in states without caps on non-economic damages."

[Confronting the New Health Care Crisis: Improving Health Care Quality and Lowering Costs by Fixing Our Medical Liability System, U.S. Department of Health and Human Services, July 24, 2002]

Joint Economic Committee of the United States Congress—"Tort reforms would reduce overall spending on healthcare, saving between $67 and $106 Billion over ten years."

[Florida] Governor's Select Task Force on Healthcare Professional Liability Insurance (Report and recommendations submitted January 29, 2003)—"The Task Force believes that a cap on non-economic damages will bring relief to this current crisis. Without the inclusion of a cap on potential awards of non-economic damages in a legislative package, no legislative reform plan can be successful in achieving the goal of controlling increases in healthcare costs, and thereby promoting improved access to healthcare. Although the Task Force was offered other solutions, there is no other alternative remedy that will immediately alleviate Florida's crisis of availability and affordability of healthcare. The evidence before the Task Force indicates that a cap of $250,000 per incident will lead to significantly lower malpractice premiums."

American Academy of Actuaries—"Before MICRA's adoption in 1975, California's percentage of loss payments was significantly higher than its proportion of physicians. By 1981, California's loss payments had dropped and were about even with its percentage of physicians. Since that date, California has continued to benefit from MICRA: Costs continue to drop as a percentage of the U.S. total, even as the percentage of physicians remains stable. Although other factors affect these . . . However, the California data show that premiums declined as losses declined . . . Although year-to-year fluctuations do occur, premiums have fallen in proportion to the decline in losses."

[Federal Budget Savings Through Medical Liability Reform, Physician Insurers Association of America)

Tillinghast-Towers Perrin—"We would expect that a $250,000 cap on non-economic damages will produce some savings, perhaps in the 5 percent to 7 percent range for physicians. If the number of large malpractice claims is trending upward rapidly, a $250,000 non-economic cap may also help to flatten out the rate of increase in the number of claims."

[Letter to Mr. Ray Cantor from James Hurley Tillinghast-Towers Perrin, January 7, 2003]

Milliman, USA—"California law prescribes a $250,00 cap on non-economic damages and malpractice losses per physician are much lower than the countrywide average (i.e., about 50 percent of the countrywide average from 1991 to 2000). Thus, there appears to be clear evidence that a cap would be effective in reducing the cost of medical malpractice claims."

[Milliman USA, Florida Hospital Association, Medial Malpractice Analysis, November 7, 2002]

Standard & Poor's—"The U.S. medical malpractice industry in 2003 is likely to face a continued rise in loss severity, stemming from litigation, as it waits for meaningful tort reform . . . If tort reform is unsuccessful, ultimately this would affect the ability of doctors to continue practicing, said Standard & Poor's credit analyst Alan Koerber. If severity trends continue to escalate in the absence of effective tort reform, we could arrive at a point where the whole industry structure is in peril . . . In California—where the state has placed a cap on non-economic damages (punitive damages, or awards for pain and suffering) at $250,000—insurance rates have not shown the sharp increases experienced in other states."

[Waiting for Tort Reform, U.S. Medical Malpractice Industry Battles Loss Severity Strain, Standard & Poor's Ratings Direct, June 6, 2003]

APPENDIX B

STATES WITH CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total premium	01 Total premium	% change
CA	$529,056	$644,598	21.8
CO	65,543	97,668	49.0
IN	34,174	58,693	71.7
KS	32,544	45,804	40.7
Total	661,317	846,763	28.0

STATES WITHOUT CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total premium	01 Total premium	% change
AK	$13,731	$13,226	−3.7
AL	84,979	123,351	45.2
AZ	107,812	135,597	25.8
AR	23,135	39,727	71.7
CT	103,224	120,543	16.8
DE	20,068	17,215	−14.2
DC	37,612	30,893	−17.9
FL	241,421	604,014	150.2
GA	134,604	200,600	49.0
HI	16,066	30,092	87.3
ID	14,837	21,840	47.2
IL	289,811	399,142	37.7
IA	44,120	58,831	33.3
KY	58,212	81,826	40.6
LA	50,850	82,000	61.3
MD	107,893	155,433	44.1
MA	31,127	182,898	487.6
MI	169,347	177,045	4.5
MO	112,915	119,300	5.7
MT	16,613	17,348	4.4
ME	28,883	27,055	−6.3
MN	62,903	56,147	−10.7
MS	22,132	44,522	101.2
NE	17,972	22,359	24.4
NV	25,250	57,293	126.9
NH	10,253	19,296	88.2
NJ	241,892	290,103	19.9
NM	15,161	29,940	97.5
NY	699,493	888,290	27.0
NC	91,687	158,764	73.2
ND	12,764	12,887	1.0
OH	246,063	300,057	21.9
OK	59,666	63,526	6.5
OR	48,144	56,534	17.4
PA	228,266	335,491	47.0
RI	7,927	21,681	173.5
SC	8,542	23,587	176.1
SD	9,862	10,543	6.9
TN	118,135	250,361	111.9
TX	214,757	422,003	96.5
UT	24,858	37,152	49.5
VA	76,537	141,345	84.7
VT	12,593	6,891	−45.3
WA	104,323	134,009	28.5
WI	74,812	64,060	−14.4
WV	34,595	76,937	122.4
WY	8,118	10,594	30.5
Total	4,170,234	6,159,122	47.7
Total	8,340,468	12,318,244	47.7

Total premiums earned 1991–2001 PIAA.
NAIC 2002 data not yet available.

APPENDIX C—GENERAL COMMENTS ABOUT NPDB PAYMENT VALUES

The National Practitioner Data Bank (NPDB) was designed to collect information on health care providers which would allow credentialling entities to identify individuals who had accumulated a "bad track record" and who may move to a new geographic location to start anew. While some of the data fields in the data base are useful, it was not designed as a medical malpractice research data base. The data are not well suited for measuring the actual payment values of verdicts or settlements in a malpractice case, as described below.

The Health Care Quality Improvement Act requires insurers to report the first indemnity payment (check written) made on behalf of any provider within 30 days of the date of payment. It is this value which appears in the numeric field in the NPDB data base, and which appears in the NPDB public use file. This payment value must be analyzed in light of the following:

A. The data reported to the NPDB is on a provider (doctor) basis, and represents payments made on behalf of only one provider. The Data Bank has no way of linking payments made on behalf of multiple individual providers to aggregate the total amount of the settlement or jury award. Thus, the total value of settlements or jury awards made for the plaintiff against multiple providers cannot be determined.

B. Insurers may make more than one indemnity payment on behalf of a provider. Only the first payment is required to be reported, and reporting entities are directed to explain any anticipated future payments in a non-machinable paragraph of description.

C. In cases involving continuing care (such as long term medication), the provider may

have been insured by more than one primary insurance carrier, each of which may have made a payment for any individual claim.

D. In cases where excess carriers or state-run compensation funds make an excess payment (usually amounts over $1mil) in addition to the primary insurer payment, two reports are sent to the Data Bank, which then look like two smaller payments for two separate claims instead of one larger payment.

E. In many cases, insurers do not apportion payments made on behalf of multiple defendants, such as in a case where $300,000 is paid on behalf of three doctors. In this instance, the Data Bank instructs the reporting entity to file a report for each doctor, each of which will have $300,000 in the payment field. There is a separate field which should indicate that a payment was made on behalf of three practitioners. For these data records, the $300,000 must be divided by 3 to get an accurate average payment amount for each of the three data records.

F. The Data Bank estimates that they are only getting 50% compliance with reporting entities. They have done quite a bit of work looking at insurers reports, and have uncovered little non-compliance. Thus, the problem may lie in self-insured plans, etc., if the non-compliance does in fact exist. In any event, the total amounts reported may not be complete.

APPENDIX D

STATES WITH CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total payment	02 Total payment	% change
CA	$167,057,855	$245,695,565	47.1
CO	12,766,034	47,346,789	270.9
IN	9,403,230	12,381,153	31.7
KS	24,557,394	21,153,550	−13.9
Total	213,784,513	326,577,057	52.8

STATES WITHOUT CAPS OF $250,000 IN PLACE PRIOR TO 1991

State	91 Total payment	02 Total payment	% change
AK	$2,976,192	5,036,632	69.2
AL	9,662,216	32,632,538	237.7
AZ	28,873,130	84,213,842	191.7
AR	7,567,795	24,988,884	230.2
HI	1,434,373	13,089,167	812.5
ID	3,300,506	6,903,966	109.2
CT	26,348,067	90,520,944	243.6
DE	6,658,001	29,206,312	338.7
DC	22,199,687	15,437,950	−30.5
FL	129,236,245	311,539,387	141.1
GA	40,712,086	116,301,797	185.7
IL	179,429,302	266,647,177	48.6
IA	15,868,786	28,037,027	76.7
KY	12,752,049	49,043,250	284.6
LA	23,507,975	46,669,001	98.5
MA	59,139,301	104,680,958	77.0
MD	30,065,789	85,903,788	185.7
ME	6,090,688	15,946,958	161.8
MI	85,142,892	92,333,909	8.4
MN	18,600,625	24,181,892	30.0
MO	65,472,456	61,868,283	−5.5
MS	7,400,134	39,598,854	435.1
MT	4,712,949	13,164,568	179.3
NE	7,440,991	17,447,940	134.5
ND	2,715,134	5,338,875	96.6
NM	11,594,337	10,997,782	−5.1
NV	11,616,548	38,994,264	235.7
NH	6,284,067	16,745,000	166.5
NJ	100,284,888	242,389,131	141.7
NY	328,102,491	640,812,015	95.3
NC	31,731,491	85,032,981	168.0
OH	80,370,391	150,743,405	87.6
OK	20,210,459	34,392,805	70.2
OR	18,050,981	34,278,386	89.9
PA	182,563,738	402,757,919	120.6
RI	12,274,927	13,684,082	11.5
SC	8,143,410	40,855,294	401.7
SD	1,207,251	3,406,750	182.2
TN	29,032,250	48,950,050	68.6
TX	167,034,605	252,306,549	51.1
UT	8,413,623	22,920,619	172.4
VA	21,037,767	66,040,922	213.9
VT	1,651,109	2,077,715	25.8
WA	21,775,473	77,739,921	257.0
WI	45,242,041	54,299,009	20.0
WV	26,823,084	40,899,280	52.5
WY	2,958,895	7,293,550	146.5
Total	1,930,735,003	3,863,314,696	100.1

NPDB total payouts by PIAA state 1991–2002.

APPENDIX E—STATEMENT OF THE DIVISION OF PRACTITIONER DATA BANKS, HEALTH RESOURCES AND SERVICES ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CONCERNING USE OF MEDIANS OF MALPRACTICE PAYMENTS REPORTED TO THE NATIONAL PRACTITIONER DATA BANK FOR ANALYSIS OF THE IMPACT OF CAPS ON MALPRACTICE PAYMENTS, JULY 2, 2003

The Weiss Ratings, Inc. report ''Medical Malpractice Caps: The Impact of Non-Economic Damage Caps on Physician Premiums, Claims Payout Levels, and Availability of Coverage'' mentions data from the National Practitioner Data Bank in its discussion of the relationship between caps on medical malpractice payments and medical malpractice insurance premiums. The report states on page 7:

Caps do reduce the burden on insurers—Using data provided by the National Practitioner Data Bank, we compared the median payouts in the 19 states with caps to those in the 32 states without caps for the period between 1991 and 2002, with the following results:

Payments reduced. In states without caps, the median payout for the entire 12-year period was $116,297, ranging from $75,000 on the low end to $220,000 on the high end. In states with caps, the median was 15.7 percent lower, or $98,079, ranging from $50,000 to $190,000. Since caps in many states were not imposed until late in the 12-year period, this represents a significant reduction.

Growth in payouts slowed substantially. The median payout in the 32 states without caps increased by 127.9 percent, from $65,831 in 1991 to $150,000 in 2002. In contrast, payouts in the 19 states with caps increased at a far slower pace—by 83.3 percent, from $60,000 in 1991 to $110,000 in 2002.

In short, it's clear that caps do accomplish their intended purpose of lowering the average amount insurance companies must pay out to satisfy med mal claims.

Although the statistical median is usually the best measure of the ''average'' malpractice payment received by claimants, it does not show the ''burden on insurers.'' The ''burden on insurers'' is the total amount of dollars paid, not the ''average'' or median payment.

Statistically, the median is the payment amount in the middle of a rank-ordered list of all payments. Thus in a set of 101 payments, 50 of which were for $1,000, 1 of which was for $25,000, 49 of which were for $100,000, and 1 of which was for $1,000,000, the median payment would be $25,000. Arguing that the burden of payments on insurers is low because the median payment is $25,000 is misleading. The total amount paid cannot be determined through use of the median. The burden on insurers would be better measured by examining the total of all payments by insurers.

ADDITIONAL STATEMENTS

U.S. INSTITUTE OF PEACE'S 2003 NATIONAL PEACE ESSAY CONTEST WINNER

● Mrs. FEINSTEIN. Madam President, on Wednesday, June 25, Granite Bay Student Kevin Kiley visited my office as part of the U.S. Institute of Peace's 2003 National Peace Essay Contest, NPEC, Awards Week in Washington.

Mr. Kiley had been selected by the Institute as the California State winner as well as the national award winner for his essay, ''Kuwait and Kosovo: The Harm Principle and Humanitarian War.'' The U.S. Institute of Peace has sponsored the essay contest annually since 1986 in the belief that expanding the study of peace, justice, freedom, and security is vital to civic education.

I am proud of Mr. Kiley's exemplary essay, commend his dedication to this studies, and congratulate his teachers at Granite Bay High School. This young man, who is thoughtful and mature beyond his years, will be a leader in his future endeavors in peace studies.

I would like to bring to my colleaguess' attention a copy of Mr. Kiley's first place essay. I ask that it be printed in the RECORD.

The essay follows.

KUWAIT AND KOSOVO: THE HARM PRINCIPLE AND HUMANITARIAN WAR

War causes harm; of this there is no doubt. In determining the justification of war, the question hence becomes: when is it justified to cause harm? The only morally acceptable answer is that causing harm is justified if it prevents further harm. Thus, in general terms, the only justifiable reason to go to war is to minimize harm—if war is the lesser of two evils.

Underlying the issue of just and unjust war is the concept of sovereignty, for declaring war on a nation is a direct violation of its right to self-government. This adds another element to the harms calculation involved in justifying war. Even the United Nations accepts the view that sovereignty has inherent value, stating in a 1970 Declaration, ''Every state has an inalienable right to choose its political, economic, social, and cultural system, without interference in any form by another state.'' Waging war against a sovereign nation constitutes a direct violation of this ''inalienable right.''

In determining what circumstances justify violating a nation's sovereignty, the laws governing the conduct of individuals provide a useful analogy. In On Liberty, John Stuart Mill establishes the Harm Principle, a criterion for when it is justified to violate an individual's sovereignty. Mill writes, ''the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.'' Mill's aphorism can be taken a step further; it applies with equal force to sovereign nations. Just as an individual's freedom must be restricted if it harms other individuals, so too must a nation's freedom be restricted if it harms other nations. This principle, however, does not simply govern the relationship between two warring nations, for today's complex world is one of political interdependence. With the North Atlantic Treaty Organization, the United Nations, the Arab League, and other alliances, even those wars that are relatively limited in scope are becoming ''world wars.'' Therefore, in applying the Harm Principal to the realm of nation states, any just war standard must specify what circumstances justify intervention by an international coalition. International intervention in Kuwait and Kosovo illustrate the success and failure of meeting just war criteria.

In 1990, Iraq sent shockwaves around the world by invading Kuwait, its small but wealthy neighbor. Within twelve hours of the invasion, ''all of Kuwait . . . was under Iraqi control.'' Following Iraqi dictator Saddam Hussein's overwhelming victory, the resolve of U.S. President George Bush quickly became apparent; he immediately declared that the invasion ''will not stand,'' that ''no nation should rape, pillage, and brutalize its

neighbor.'' In the five months between Iraq's invasion of Kuwait and the dropping of the first U.S. bomb, Bush tried to convince the American people, along with the international community, that intervention was a moral responsibility.

At the time of the invasion, the depth of Hussein's motives was unclear. Was he a power-hungry despot—another Hitler—or was he simply trying to claim the territory he felt was rightfully his? Would he stop with Kuwait, or did he have his sights set on hegemony in the Middle East? While Hussein's territorial ambitions remained uncertain, there were more tangible consequences of appeasing Iraq's territorial gains. Western oil interests in the region—and the fate of these interests if Hussein were to gain control of OPEC—were undoubtedly a weight on the scale. Moreover, beyond these utilitarian considerations, the fact remained that Kuwait's sovereignty had been violated, and according to the Harm Principal, a military response was justified on this basis alone.

When the war was over, the stated objectives of the United States and its allies had been achieved: ''Kuwait was liberated, Saudi sovereignty assured, Persian Gulf oil secure.'' Given these results, the ejection of Iraq from Kuwait was a just end, but a just end is only half of the just war equation. For a war to be justified, the benefits must outweigh the costs—the harm of action must be less than the harm of inaction. Whether this was possible in the Persian Gulf was a matter of much speculation. As with any war, the loss of American lives was a foremost concern. This concern led some—including General Collin Powell—to suggest that economic sanctions might be a viable alternative to war. In late 1990, however, it became increasingly clear that sanctions would do little more than starve the Iraqi people. According to a PBS Frontline report, ''the CIA was telling President Bush it could take years for sanctions to drive Saddam from Kuwait.'' Furthermore, it also became clear that U.S. technology could enable the U.S. to fight a relatively painless war, one with few U.S. lives lost and minimal civilian casualties. And this optimistic outlook became a reality, as the U.S. and its allies waged one of the most flawless military campaigns in history. Thus, the Gulf War meets the criteria of a just war: It achieved a just end and minimized harms.

While the involvement of the United States in the Gulf War demonstrates the validity of Mill's Harm Principle as a justification for war, a key distinction must be made between the Principle's applicability on an individual level and on a national level. The constituent parts of an individual have no inherent worth; it is only the individual himself that is of value. Nations, conversely, are comprised of individuals. Thus, the constituent parts of the nation are themselves valuable. While Mill holds that morality demands the individual be completely sovereign in his sphere—that no just law could prevent him from harming himself—this is not the case with nation states. For if the actions of a government cause harm to its citizens, the sovereignty of the nation and the sovereignty of the individuals conflict. And on this basis, a case can be made for humanitarian war—military intervention that prevents a nation from harming its citizens, its constituent parts.

In the last decade, the most vivid example of humanitarian intervention was the crisis in Kosovo, a ''paradigmatic instance of humanitarian intervention in the very name of humanity itself.'' There was little doubt, in 1999, that Slobodan Milosevic's ethnic cleansing of Albanians constituted a crime against humanity. While Milosevic's actions did not directly harm another sovereign nation, they so egregiously harmed his own people—so ''shocked the conscience of mankind''—that international action was deemed necessary. The end of saving Albanian lives was certainly justified. In fact, the moral responsibility espoused by U.S. President Bill Clinton was perhaps even greater than that Bush spoke of in 1990. And aside from war, there existed no viable option for fulfilling this responsibility. The means employed by the Clinton Administration and NATO, however, were inconsistent with just war principles.

The history of the Kosovo crisis is replete with ''collateral damage'' to civilians. According to Jean Elshtain, ''once we had exhausted the obvious military targets, we degraded the infrastructure on which civilian life depends.'' Largely as a result of high altitude bombing by NATO forces, 2,000 civilians were killed and 6,00 wounded, and countless others would suffer and die because of infrastructure destruction. This ''collateral damage'' can be directly attributed to the ''no-cost'' strategy employed by NATO troops, which refused to risk American and European lives even as the welfare of the Serbian people hung in the balance. In the end, this overemphasis on some lives and devaluation of others undermined the moral authority of NATO's crusade. In ''War and Sacrifice in Kosovo,'' Paul W. Kahn sums up this contradiction well when he writes of the ''incompatibility between the morality of the ends, which are universal, and the morality of the means, which seem to privilege a particular community.''

The incompatibility Kahn speaks of not only caused unnecessary civilian causalties, but also expedited the very atrocities NATO forces had entered Kosovo to prevent. According to Elshtain, NATO attacked Milosevic to halt ethnic cleansing, but ''our means speeded up the process, as the opening sorties in the bombing campaign gave Milosveic the excuse he needed to declare marital law and move rapidly in order to complete what he had already begun.'' As a tragic consequence, an estimated 20,000 Kosovo Albanians were murdered by Serbs in the first eleven weeks of bombing, compared with some 2,500 people that had died before the bombing campaign. Thus, the just end NATO entered Kosovo to achieve was not merely tainted, but completely undercut by unjust means.

The United States' crusade to liberate Kuwait, along with NATO's effort to free the Albanians from the torturous grip of Milosevic, demonstrate two separate, but equally justifiable criteria for waging war. In the case of Kuwait, the Harm Principal criterion was met, as one sovereign nation had harmed another, and a successful war minimized costs. But in the case of Kosovo, a righteous cause was rendered unjust by immoral means. The conflicts in Kuwait and Kosovo demonstrate two situations in which sovereignty can be justifiably violated and illustrate the necessity of just means in waging war.●

FUNERAL OF WILLIAM GRAY REYNOLDS, JR.

● Mrs. DOLE. Mr. President, when word of Bill's passing came last Wednesday, I was with my 102-year-old mother in Salisbury, NC. Mother had met Bill on many occasions, and she shared in my great grief at losing such a cherished friend. As I expressed frustration over the unfairness of Bill's death at such an early age, mother said, ''Elizabeth, it isn't how long you live, it's how you live.''

Today we pay tribute to a remarkable individual who will always stand for me as a shining example of how a truly good life should be lived.

Each of us here probably has a different word we would use to describe Bill. Words like: Kind. Thoughtful. Caring. Humble. Strong. Courageous. But perhaps the word that best captures Bill is one we hear all too infrequently these days. That word is ''gentleman.'' Gentle man.

Webster's defines a gentleman as ''a courteous, gracious, and honorable man.'' I will always define a gentleman as Bill Reynolds.

I first became acquainted with this gentleman when we were young lawyers in the Nation's capital and found ourselves on opposite sides of the courtroom. Bill was an assistant United States attorney, and I was taking cases for indigents—those who could not afford a lawyer.

The Washington, DC criminal court of those days was straight out of a Damon Runyon novel, with colorful personalities like Racehorse Mitchell, a criminal who brought new meaning to the term ''recidivist,'' and Judge Buddy Beard, a jurist who brought new meaning to the word ''irascible.'' As I watched Bill navigate and operate in this world, it didn't take me long to appreciate his honesty, his integrity, his legal skills and the ever present smile on his face and twinkle in his eye.

Bill and I became fast friends, and our experiences in the courtroom provided us with a lifetime of stories and smiles. I especially remember the night I was unexpectedly assigned by Judge Beard to my first case, a man accused of petting a lion at the zoo, a Greek immigrant who spoke no English. Mr. Marinas, after climbing into the lion's cage, was charged with the crime of violating a Federal law that says you are not to annoy or tease the animals at the National Zoo. Since he would have skipped town, I had to go to trial that very night—a trial I somehow won by arguing that without the lion there as a witness, how in the world could you know whether he was annoyed or teased? Bill's friend, Lee Freeman, the prosecuting attorney and first in my class at Harvard Law School, yelled, ''But your Honor, this man was found in the antelope cage just 3 weeks ago!'' I thought, uh-oh, take your victory and run! Bill was in the back of the courtroom providing moral support, and neither of us could drive by a zoo after that experience without a lot of laughter.

Outside of work, Bill and I visited each other's hometowns, and I had the true privilege of becoming acquainted with his parents, brother, sisters and extended family—and traveling with the family on many weekend trips. How wonderful it was to see the love that Bill's family had for one another, the joy they took in each other's company, and the commitment they shared to use their resources to help those in need.

As I continued my career in Washington and Bill returned to Richmond to help lead Reynolds Metals Corporation, his family business, the time we spent together decreased, but the admiration and respect I held for him only increased. I watched with pride as Bill earned a reputation as a respected and effective leader of his industry, and as a wise and most generous philanthropist.

As president of the American Red Cross, I was privileged to lead an organization that boasts over a million volunteers and I can't think of a one who took more joy in volunteering—and in fundraising—than Bill. If there is anyone here today Bill didn't recruit to play in the annual Red Cross Golf Classic he founded, then you must have been hiding from him! And just 3 weeks ago, 3 weeks ago, he attended the Golf Classic Dinner. I am told he was given a hero's welcome—though he modestly tried to discourage it,—and that everyone was so proud to tell how he knew Bill, about experiences they had shared. What a testimonial to the love in that room for Bill. What a testimonial to his grit! If Bill Reynolds had an enemy, it might only be someone he had put in prison. Brother Randy tells of a deep-sea fishing trip off the coast of Florida. One of the crew on the boat said, ''Mr. Reynolds, you don't remember but you sent me to jail in DC!'' Even he felt no resentment, though Bill felt a little nervous the rest of the fishing trip!

The Bible tells us that God loves a cheerful giver—and Bill was truly that—a cheerful giver.

Joe Dippell shared with me something very typical of Bill. When Joe's son, Allen, was 7 years old and the family was visiting Bill here in Richmond, young Allen wanted everything he saw—he wanted this toy, he wanted that toy. Joe kept saying ''No, Allen, no, no, no.'' Later on, as they left to go play golf, Bill said ''Joe, follow me in your car.'' And suddenly Joe noticed son Allen had jumped in with Bill. Soon they pulled up to a store—Bill and Allen went in and came out loaded with boxes. Yes, I bet you have guessed it—Bill, with his heart of gold, had bought Allen every toy he wanted.

As an officer of the Missionary Emergency Fund, just recently Bill instigated efforts to refurbish the Reynolds Lodge in my home state—in Montreat, NC, a part of the religiously based Montreat Conference Center, and there are so many more examples.

What guided Bill to do so much and to give so much to so many others? I believe it was love: The love Bill had for God and for his fellow man. In the Bible we learn that the greatest commandment is to love God with all one's heart, mind, soul and strength—and secondly, to love others as oneself.

1st Corinthians, Chapter 13, ends with the words ''Now abideth faith, hope, and love, these three, but the greatest of these is love.''

I always thought that faith would be the greatest, but I have come to realize that faith is just the means to love, because, as the Bible says, God is love and love is the only thing that lasts.

I believe Bill knew this. Whether it was law or business or athletics, he excelled and succeeded in everything he put his mind to. There were many accomplishments Bill never told me about, though I got to know him soon after they occurred. The obituary in the Richmond Times Dispatch mentioned all-State honors in three sports as a high school athlete; captain of the University of Pennsylvania tennis and squash teams; student body president at the University of Pennsylvania; student body president at UVA Law School; recipient of the Red Cross Philos Award—Philanthropist of the Year. Yes, I saw the extent of Bill's humility and modesty only after his death.

But he knew that it is not the honors or the prestige or the accomplishments that really matter. Those don't go with us into eternity; rather, it is the acts of love, kindness, caring, compassion—because God is love, those go with us.

There is a little book I often carry in my briefcase by Henry Drummond, who lived in the 1800's, in Scotland. It is called ''The Greatest Thing in the World''—Love.

In it, Drummond writes that ''just as you have seen a man of science take a beam of light and pass it through a crystal prism, as you have seen it come out the other side of the prism broken up into its component colors red, blue, yellow, violet, orange, and all the colors of the rainbow,'' so, too, in First Corinthians does the Apostle Paul pass love through a prism, and it comes out the other side broken up into nine ingredients. As we celebrate Bill's life, think about these components listed in 1st Corinthians: Patience. Kindness. Generosity. Humility. Courtesy. Unselfishness. Good temper. Guilelessness. Sincerity. Those, the Bible tells us, are the nine ingredients of love. And I know we can all agree—those are characteristics Bill Reynolds exhibited each and every day of his life.

Just as Bill provided us with an example of how to live, he also provided us an example of how to die. Throughout his battle with cancer, there were no complaints, no bitterness, no pity parties. Typically, Bill was more concerned about others, and when the course of his illness became clear, Randy tells me Bill apologized to his sister, Louise, that he would not be there to help her on projects and missions they shared.

I especially recall a visit with Bill in Richmond last November, soon after my election to the Senate. Instead of discussing his battle, Bill wanted to talk politics—he loved politics—and he peppered me with questions about my campaign, providing me with his keen insight into the issues of the day. It was a time I will always remember, and the meal we shared just a few months ago in Washington, where he attended the Fentriss wedding. How his family and friends will miss his wisdom, his smile, and the warmth of his friendship. How this community will miss his leadership. How all of us are better off for having known this good and faithful gentleman.

The Greek poet Sophocles wrote, ''One must wait until the evening to see how splendid the day has been.''

Although the evening of Bill's life came much too soon, it is my hope that we who loved him will take solace in the fact that in his final days, Bill could look back at a life filled with accomplishment, a life filled with family and friends, a life filled with love, and know without a doubt that the day had indeed been splendid.●

IN HONOR OF THE CITY OF LATHRUP VILLAGE

● Mr. LEVIN. Mr. President, on Saturday July 12, 2003, in my home state of Michigan, residents of the city of Lathrup Village will gather to celebrate the city's 50th anniversary.

The city of Lathrup Village is a small residential community in southern Oakland County, just north of Detroit. Its quiet, tree-line streets which are full of modest brick homes are the result of considerable foresight and vision by the city's founder, Louise Lathrup Kelley who in 1923 acquired 1,000 acres of land in Southfield Township.

This area, originally known as Lathrup Townsite, was incorporated as the City of Lathrup village in 1953. Since then, the residents and the city have carried on Louise Lathrup Kelley's vision for community-oriented small city living.

What Lathrup lacks in square miles, it makes up for in heart and a strong sense of community. This is evident through the success of events such as Lathrup's Summer Concerts in the Park series, which the city hosts for residents throughout the summer months. Residents have also created the Children's Garden in the city park, where children learn a wide range of skills including how to grow vegetables and the delicate art of raising butterflies.

From July 11th to 13th of this year, the Lathrup Village community will be commemorating the city's 50th anniversary with a weekend full of celebration. It is sure to be a wonderful series of events that will further solidify the feeling of community that residents there have enjoyed for over five decades.

I know my Senate colleagues will join me in congratulating the city of Lathrup Village on this important milestone. I am proud to represent this spirited city, and wish them many more years of success and prosperity.●

MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,

announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 438. An Act to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education.

H.R. 2211. An Act to reauthorize title II of the Higher Education Act of 1965.

H.R. 2657. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 438. An act to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2211. An act to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3090. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board Strategic Plan for the years 2003 through 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–3091. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, the report of the Commission's Annual Report for calendar year 2001; to the Committee on Rules and Administration.

EC–3092. A communication from the Chair of the Federal Election Commission, transmitting, pursuant to law, the Commission's report on the impact of the National Voter Registration Act of 1993 on the administration of elections for federal office during the 2002 election cycle; to the Committee on Rules and Administration.

EC–3093. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electronic Benefits Transfer (EBT) Systems Interoperability and Portability'' (RIN0584-AD17) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3094. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-01; to the Committee on Appropriations.

EC–3095. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Management Report to the Inspector General's Semiannual Report for the period October 1, 2002 to March 31, 2003; to the Committee on Governmental Affairs.

EC–3096. A communication from the Acting Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2003; to the Committee on Governmental Affairs.

EC–3097. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3098. A communication from the Auditor of the District of Columbia, transmitting, a report entitled ''Mismanagement, Noncompliance, and Ineffective Internal Controls Exposed School System Funds to a Significant Risk of Fraud, Waste, and Abuse''; to the Committee on Governmental Affairs.

EC–3099. A communication from the Auditor of the District of Columbia, transmitting, a report entitled ''Examination of the Commission on Mental Health Services' Financial Operations Under Court-Ordered Receivership Revealed Ineffective Management Accountability and Inadequate Financial Controls''; to the Committee on Governmental Affairs.

EC–3100. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Parts 831 and 842 of Title 5, Code of Federal Regulations'' (RIN3206-AJ82) received on July 7, 2003; to the Committee on Governmental Affairs.

EC–3101. A report from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection for Temporary and Term Appointments Outside the Register, Examining Systems, and Training'' (RIN3206-AJ) received on July 7, 2003; to the Committee on Governmental Affairs.

EC–3102. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, the Annual Report of the Board for the calendar year 2002; to the Committee on Environment and Public Works.

EC–3103. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled ''Policy on Listed Mixed Ownership Mine or Mill Sites Created as a Result of the General Mining Law of 1872 on the Federal Agency Hazardous Waste Compliance''; to the Committee on Environment and Public Works.

EC–3104. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, California'' (FRL#7515-3) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3105. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to State Implementation Plan'' (FRL#7524-6) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3106. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emamectin; Pesticide Tolerance'' (FRL#7316-6) received on July 8, 2003; to the Committee on Environment and Public Works.

EC–3107. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report entitled ''RCRA Civil Penalty Policy''; to the Committee on Environment and Public Works.

EC–3108. A communication from the FHWA Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment'' (RIN2125-AE94) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3109. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's report on orders issued to protect safeguards information; to the Committee on Environment and Public Works.

EC–3110. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program'' (FRL#7523-2) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3112. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Regional Haze Rule to Correct Mobile Service Provisions to Optional Program for Nine Western States and Eligible Indiana Trives Within that Geographic Area'' (FRL#7522-7) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3113. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa'' (FRL#7523-4) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3114. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards for Kansas'' (FRL#7522-5) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3115. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Incorporation by Reference of ASME, BPV, and OM Code Cases'' (RIN3150-AG86) received on July 7, 2003; to the Committee on Environment and Public Works.

EC–3116. A communication from the President, Chief Executive Officer, and Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Pittsburgh, transmitting jointly, pursuant to law, the Bank's Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3117. A communication from the President, Chief Executive Officer, and Executive Vice President, Chief Financial Officer, Federal Home Loan Bank of New York, transmitting jointly, pursuant to law, the Bank's

Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3118. A communication from the Chairman and President, Export Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–3119. A communication from the President, Chief Executive Officer of the Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's Annual Report for the calendar year of 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3120. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Federal Home Loan Bank Consolidated Obligations—Definitions of the Term ''Non-Mortgage Assets'' (RIN3069-AB10) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3121. A communication from the Chief Operating Officer, President, The Resolution Funding Corporation and The Financing Corporation, transmitting, pursuant to law, the Corporations' Financial Report for the calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3122. A communication from the Managing Director, Office of Finance, Federal Home Loan Banks, transmitting, pursuant to law, the management reports of the twelve Federal Home Loan Banks , Resolution Funding Corporation, and the Financing Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–3123. A communication from the President, Chief Executive Officer and Senior Vice President, Chief Financial Officer and Treasurer, Federal Home Loan Bank of Boston, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3124. A communication from the President, Chief Executive Officer and First Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Topeka, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3125. A communication from the President, Chief Executive Officer and Senior Vice President, Controller, Federal Home Loan Bank of Cincinnati, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3126. A communication from the President, Chief Executive Officer and Senior Vice President, Federal Home Loan Bank of Chicago, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3127. A communication from the President, Chief Executive Officer and Senior Vice President, Controller, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3128. A communication from the President and Senior Vice President, Treasurer, Federal Home Loan Bank of Dallas, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3129. A communication from the President, Chief Executive Officer and Senior Vice President, Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3130. A communication from the President, Chief Executive Officer and Senior Vice President of Operations, Federal Home Loan Bank of Des Moines, transmitting jointly, pursuant to law, the Bank's Annual Report for calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3131. A communication from the Assistant General Counsel, Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 50—Terrorism Risk Insurance Program'' (RIN1505-AA96) received on July 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3132. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Secretary's report assessing the progress on the implementation of the Organization for Economic Cooperation and Development, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and addressing other related matters; to the Committee on Banking, Housing, and Urban Affairs.

EC–3133. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Administration Regulations: Encryption Clarifications and Revisions'' (RIN0694-AC78) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3134. A communication from the President of the United States, transmitting, pursuant to law, a report entitled ''Periodic Report to Congress on the National Emergency Regarding Proliferation of Weapons of Mass Destruction''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3135. A communication from the President of the United States, transmitting, pursuant to law, a report entitled ''Periodic Report on the National Emergency With Respect to Libya''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3136. A communication from the Deputy Congressional Liaison, Board of the Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulation Y (Bank Holding Companies and Change in Bank Control)'' (doc. no. R-1146) received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3137. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Depositary Compensation Securities'' received on July 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3138. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–3139. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a license for the export of defense services, technical data and defense articles abroad in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–3140. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $25,000,000 or more to Denmark; to the Committee on Foreign Relations.

EC–3141. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–3142. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3143. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Ecuador; to the Committee on Foreign Relations.

EC–3144. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–3145. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense services, technical data and defense articles in the amount of $100,000,000 or more to NATO AEW&C Programme Management Organization (NAPMO), including Belgium, Canada, Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, and Turkey; to the Committee on Foreign Relations.

EC–3146. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Fifty First Annual Report to the Congress on United States Contributions to International Organizations; to the Committee on Foreign Relations.

EC–3147. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act for the fiscal year of 2002; to the Committee on Foreign Relations.

EC–3148. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the Secretary of the Department's determination and Memorandum of Justification relative to financial assistance to the Palestinian Authority; to the Committee on Foreign Relations.

EC–3149. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the

Matter of 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et. al.'' (FCC03-127) received on July 10, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-86).

By Mr. STEVENS, from the Committee on Appropriations:

Report to accompany S. 1382, An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-87).

By Mr. CAMPBELL, from the Committee on Appropriations:

Report to accompany S. 1383, An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-88).

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 1391. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-89).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 140. A resolution designating the week of August 10, 2003, as ''National Health Center Week''.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1280. A bill to amend the Protect Act to clarify certain volunteer liability.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary:

Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Robert C. Brack, of New Mexico, to be United States District Judge for the District of New Mexico.

Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois.

Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Lonny R. Suko, of Washington, to be United States District Judge for the Eastern District of Washington.

Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas.

Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1386. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. CORNYN:

S. 1387. A bill to amend the Immigration and Nationality Act to authorize the establishment of guest worker programs, to provide for the adjustment of status of certain aliens unlawfully present in the United States to the status of a non-immigrant guest worker, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 1388. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1389. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself and Mr. ALEXANDER):

S. 1390. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 1391. An original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HARKIN:

S. 1392. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. CRAPO, and Ms. STABENOW):

S. 1393. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 202

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 253

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 573

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 573, a bill to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 595

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond

financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 656

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 687

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 687, a bill to amend title 10, United States Code, to prohibit the concurrent deployment to combat zones of both military spouses of military families with minor children, and for other purposes.

S. 722

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 764

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 780

At the request of Mr. LOTT, the names of the Senator from Utah (Mr. HATCH) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1238

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1238, a bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve women's health, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1263

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1263, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. CON. RES. 2

At the request of Mr. CORZINE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who distinguished themselves by their service in the armed forces.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 53

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 169

At the request of Mrs. CLINTON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

AMENDMENT NO. 1135

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1135 proposed to S. 925, an original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1386. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

Mr. KERRY. Madam President, today I introduce a bill that would help give our most highly honored veterans a medal more worthy of their bravery and sacrifice by requiring the use of 90 percent gold in the Congressional Medal of Honor instead of gold-plated brass, as is currently used.

The Congressional Medal of Honor is the highest award our country bestows for valor in action against an enemy force. These are ordinary soldiers who performed extraordinary deeds in battle, often giving what President Lincoln termed ''the final full measure'' in doing so.

This is the medal won by Marine Corps pilot, Captain Joe Foss, who in less than 30 days of combat over Guadalcanal, shot down 23 enemy planes, three in one engagement, and is credited with turning-back an entire Japanese bombing mission before it could drop a single bomb.

This is the medal won by Army Private Edward Moskala who set aside his personal safety one night on the Island of Okinawa to assault two machine gun nests, provide cover for his unit as it withdrew, and rescue fallen comrades amidst a hail of enemy fire before finally suffering a mortal wound.

This is the medal won by Pharmacist's Mate First Class Francis Pierce, Jr., who on the island of Iwo Jima exposed himself repeatedly to enemy fire to save the lives of Marines he accompanied, traversing open terrain to rescue comrades and assaulting enemy positions that endangered his wounded comrades.

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

This is the medal won by Air Force Captain Hilliard A. Wilbanks who made repeated strafing runs over an advancing enemy element near Dalat, Republic of Vietnam on February 24, 1967. Captain Wilbanks' aircraft, it should be noted, was neither armed nor armored. He made the assaults by sticking his rifle out the window and flying low over the enemy. His action saved the lives of friendly forces, but it cost him his own.

The feats that earned these medals are the stuff of legend. But they are not legends. They are actual deeds that inspire humility and gratitude in all of us. In bestowing the Congressional Medal of Honor, the president enrolls the recipient in a sacred club of heroes.

Regrettably, the medal itself, though gold in color, is actually brass plated with gold. It costs only about $30 to craft the award itself. I will be the first to tell you that the value of the Congressional Medal of Honor is not in the metal content of the award, but in the deeds done to earn it. But if you compare the $30 we invest in this, our Nation's highest award for valor, with the $30,000 Congressional medals presented to foreign dignitaries, famous singers, and other civilians, you will agree that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting ''the metal content of which is 90 percent gold and 10 percent alloy and'' after ''appropriate design,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 1388. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Madam President, last year, Congress took the important step of restoring the health and integrity of our campaign finance system when it enacted the Bipartisan Campaign Reform Act of 2002, BCRA. However, the Federal Election Commission, FEC, has continually acted as a bureaucratic barrier to reform of the system. Time and time again, these unelected officials of the FEC have thwarted the enforcement of the Nation's campaign finance laws in deference to the partisan wishes of those who have appointed them.

Along with Senator FEINGOLD, I rise today to introduce legislation entitled the Federal Election Administration Act of 2003. This legislation creates a new independent agency, the Federal Election Administration, FEA, which replaces the Federal Election Commission in order to create a new system that finally enforces Federal campaign finance laws.

Although it was set up to administer and enforce the Federal campaign finance laws, the FEC has not been doing its job. The FEC is a weak and failing agency, structured by Congress to be slow and ineffective, composed of commissioners whose appointments are tightly controlled by the Members of Congress and political parties they regulate, and has been impeded by a continual lack of resources. This legislation replaces the current system with a more effective campaign finance enforcement system.

In its current form, the FEC has been faced with three major problems. The first problem has been that the FEC was structured by Congress to be ineffective.

Prior to the creation of the FEC, Members of Congress feared that this proposed enforcement agency ran the risk of becoming too powerful. To ease these fears, Congress structured an agency designed to fail from the start. The FEC has six members, no more than three of whom can be members of the same political party. In practice, this has meant that there have been three Republicans and three Democrats as commissioners. Only stalemate and inaction on key issues have resulted. On important issues the votes have often been cast on a partisan basis, resulting in 3–3 deadlocks. Furthermore, the affirmative votes of four members are necessary for the FEC to act. Therefore, 3–3 ties have led to inaction.

Partisanship has encroached upon nearly every major decision the FEC's six commissioners make. These partisan standoffs have stopped the FEC from enforcing actions against politicians and special interest groups, even when the FEC's general counsel has recommended that such enforcement proceed. FEC votes have been politicized to the point where commissioners of both parties have banded together to reject their staff's enforcement recommendations to serve the special interests of both parties.

The FEC has lacked important powers. The FEC cannot make its own findings that a violation occurred, cannot seek court injunctions to stop illegal activity, and cannot conduct random audits of campaigns. The FEC cannot directly impose penalties, except in very minor matters. In short, the FEC can do little to enforce the law. Compounding this problem is that the FEC has sole jurisdiction over all enforcement of campaign finance laws. No matter how slow the FEC's proceedings are, no one can seek civil enforcement of the law through the courts. All complaints must be filed

with the FEC and only the FEC has the authority to act on them.

This legislation addresses this first problem. First, the new Federal Election Administration will consist of only three members to remove the possibility of deadlocked votes. There is a Chairman and two additional members, all of whom are appointed by the President with the advice and consent of the Senate. The Chairman will serve a term of ten years and will have broad powers to manage and administer the agency, including the power to hire the staff director and general counsel, and to set the budget for the agency. The two other members will each serve six year terms and cannot come from the same political party.

In the FEA, enforcement proceedings for violations of campaign finance laws will be conducted before impartial administrative law judges, similar to those in agencies such as the SEC and the EPA. An administrative law judge, ALJ, will conduct an enforcement proceeding after the three-member FEA, by majority vote, makes an initial determination to pursue an enforcement action. The FEA general counsel will represent the FEA in enforcement proceedings. The ALJ will have the authority to make findings of fact and reach conclusions of law. The general counsel and any respondent will have the right to appeal an ALJ decision to the FEA. The decision of the FEA regarding such an appeal will constitute final agency action and be subject to judicial review. By using ALJs, a system would be established for real enforcement not subject to partisan pressure.

An ALJ will have the authority to find that violations of law have occurred, and to impose civil penalties and issue cease and desist orders, subject to an appeal to the FEA. The decision by the FEA regarding such an appeal will be final agency action and be subject to judicial review. The FEA will have the authority to apply to a federal district court for a temporary restraining order or preliminary injunction to prevent violations of law that would result in substantial harm to the public interest. The FEA will also have the authority to conduct a limited number of random audits of campaign committees.

Unlike the FEC, the FEA will have real authority to act in a timely and effective way to function as a real enforcement agency.

The second problem with the FEC is that the commissioners appointed to the FEC have been chosen based on their political allegiances rather than their qualifications and commitment to administer and enforce the law. As a result of this process, the FEC is a highly politicized agency beholden to the interests of federal officeholders and party leaders who name the commissioners and the campaign finance community the agency is supposed to regulate.

FEC commissioner nominations are supposed to originate with the President and be confirmed by the Senate, but Congress really has the control over who is nominated. Nominees to the FEC are selected by party leaders in Congress and made official by the White House. Where the President has objected to a choice promoted by Congress, the congressional leaders have insisted on their nominees, and have usually won. Another issue is that few FEC commissioners have a background in enforcing laws. Most have come from the community that the FEC oversees—Congress, the political parties, and those in the campaign finance system.

An example of the disproportionate control Congress has over FEC appointments was shown by the appointment of Bradley A. Smith in 2000 as a commissioner. The Smith case showed that an avowed opponent of the campaign finance laws—someone who had called the laws unconstitutional and urged their repeal—could be forced onto the FEC by his Senate sponsors over the objection of the President, who nevertheless nominated him. Despite resistance, President Clinton named Smith to the FEC after Senate Republican leaders insisted on the nomination. The further inappropriateness of Smith serving on the FEC was shown when in February 2002 he actively participated in the efforts in the House of Representative by reform opponents to kill campaign finance reform legislation. Smith joined with another FEC member who also opposed campaign finance laws. The two commissioners inserted themselves into the fight during House consideration of the Shays-Meehan campaign finance reform bill by helping House Republican leaders work to defeat the bill.

Clearly, the fact that FEC commissioners have become so publicly partisan in the policy debates on the election laws places in doubt the FEC's ability to credible enforce the law when its own commissioners openly denigrate the validity of those laws.

This legislation addresses this second problem by the following means. An individual may not be appointed to the new Federal Election Administration if he or she is serving or has served as a member of the FEC subject to a term limit or during the four previous years, was a candidate or elected officeholder, an officer, employee or attorney of a candidate, officeholder or political party, or employed in certain executive branch positions. Such strict criteria on who may be appointed to the FEA would provide the best opportunity for obtaining highly qualified and publicly credible and unbiased individuals to effectively and impartially enforce the campaign finance laws.

The last major problem with the FEC is that Congress has constantly abused its budget and oversight authority over the FEC. Time and time again, Congress has cut its budget. This legislation addresses this problem by having the budget of the new Federal Election Administration established by Congress based on a budget request prepared by its chairman and submitted directly to Congress. The General Accounting Office, GAO, will conduct periodic studies of the funding for the new FEA and submit recommendations to Congress on the level of funding necessary to provide adequate resources for the FEA to fulfill its duties. Unlike the FEC, the new agency will have the means to ensure that it will receive the adequate resources to effectively enforce the campaign finance laws.

In conclusion, the fact that FEC commissioners were never able to find significant campaign finance violations by federal candidates and their political parties in the Democratic and Republican campaign finance abuses that occurred in the 1996 elections—especially in the abuses of President Bill Clinton, his campaign officials and his political party—is the classic example of the problems with the FEC. Furthermore, when Congress enacted the Bipartisan Campaign Reform Act of 2002, BCRA, the FEC undermined this new law by issuing regulations to implement BCRA that seriously weakened the law's main provisions. Both examples highlight the FEC's history of failure as an oversight and enforcement agency and the need for its overhaul. Effective enforcement is essential for laws such as BCRA to work in the long run, and achieving that requires the establishment of a new system to enforce campaign finance laws.

With the establishment of this new Federal Election Administration to replace the FEC as a more effective enforcement agency, the campaign finance laws will now finally be taken seriously by candidates, parties, donors, and the public. Once this new agency is set up, the regulated community will comply with campaign finance laws because those laws can no longer be violated without punishment.

Mr. FEINGOLD. Madam President, I am pleased to join with my partner in reform, the senior Senator from Arizona, to introduce the Federal Election Administration Act of 2003. When the Bipartisan Campaign Reform Act was signed into law, Senator MCCAIN and I and Representatives SHAYS and MEEHAN said we would continue our partnership to make sure that the law we passed is properly enforced. Much of what we tried to do in BCRA was caused by failures of the federal Election Commission to enforce the law. In particular, the soft money loophole was created by FEC rulings in the late 70s and early 80s, and exacerbated by failures to stop the wholesale evasion of the law in the 90s.

We wanted to give the FEC a fair chance to implement the new law. In BCRA itself, we provided deadlines for promulgating regulations so parties, candidates, and outside groups would know and understand the new rules of the game by the time the new law went into effect the day after the last election. We participated in those rulemakings throughout last summer

and fall, giving the FEC our very best effort to answer questions that were raised about the meaning and effect of BCRA.

The FEC met the deadlines, but not our expectations. Time after time, the FEC opened loopholes or potential loopholes rather than trying to faithfully discern the intent of the law. It acted as a super legislature, substituting its policy judgments for those of the Congress.

So the seeds of the bill that we are introducing today were sown in the weeks and months following enactment of the McCain-Feingold/Shays-Meehan bill. After careful consideration, it is our judgment that the current structure of the FEC cannot meet the challenges of enforcing the election laws in the 21st century. A new start is needed, and this is a good time to do it, with the recent enactment of BCRA and a presidential election just around the corner.

In this bill, we replace the FEC with a new agency, the Federal Election Administration. The FEA will continue performing the reporting and disclosure function of the FEC in largely the same way. With respect to enforcement, we have followed the model of other successful regulatory agencies such as the EPA, the NLRB, and the SEC. The new Federal Election Administration will have a strong Chair and a corps of Administrative Law Judges to adjudicate complaints that the Administration's professional staff will bring. The new agency will have the power to determine violations of the election laws and assess penalties, subject, of course, to judicial review.

Our bill envisions a smaller body than the FEC, three members instead of six, with an odd number of members to try to avoid the gridlock that the current equal number of Democratic and Republican Commissioners allows and even encourages. The Chair will have a ten-year term to encourage independence. The other members of the FEA will have staggered six-year terms. Our hope is that the new agency will not be the captive of the political parties, but instead, led by a strong and independent Chair, will be the respected watchdog that the American people want to see.

It is sad when the agency charged with enforcing the election laws is jokingly referred to as the Failure to Enforce Commission. The American people urged Congress to enact the Bipartisan Campaign Reform Act and they support it now. They want to see candidates and parties abide by it and by punished if they don't. This new agency will provide a new and better structure for achieving that goal. I want to thank my friend Senator MCCAIN for all of this work on campaign finance reform over the last eight years, and I look forward to working closely with him again to pass this bill.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1389. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator HOLLINGS in introducing a bipartisan bill to reauthorize the Surface Transportation Board, STB, for five years.

The STB is an independent agency established January 1, 1996, as the successor to the Interstate Commerce Commission. It is responsible for the economic regulation of interstate surface transportation, primarily railroads. The STB's mission is to ensure that competitive, efficient, and safe transportation services are provided to meet the needs of shippers, receivers, and consumers. The agency has remained unauthorized since the end of fiscal year 1998, despite efforts by the Senate Commerce Committee to pass reauthorization legislation.

The Surface Transportation Board Reauthorization Act of 2003 would reauthorize the STB for fiscal years 2004 through 2008 and provide sufficient resources to ensure the Board is able to continue to carry out its responsibilities. Specifically, the legislation would authorize $20.5 million for fiscal year 2004, rising to $23.5 million in fiscal year 2008. In fiscal year 2006, the legislation would authorize a higher appropriation, totaling $23.8 million, to cover the estimated costs that will be incurred to physically relocate the STB's offices. The legislation also proposes that the Board's Chairmanship position be subject to Senate confirmation, similar to other Boards and Commissions throughout the federal government, including the National Transportation Safety Board, the Commodity Futures Trading Commission, the Export-Import Bank, and the Consumer Product Safety Commission.

I know that some of my colleagues, including several members of the Senate Commerce Committee, are interested in considering more sweeping legislation to amend the Staggers Rail Act, the landmark 1980 legislation that partially deregulated the freight railroads. As I have stated on numerous occasions, rail service and rail shipper issues warrant serious consideration. These matters have been the subject of many hearings before the Senate Commerce Committee, and Senator HUTCHISON will chair a Subcommittee hearing on captive shipper issues in the coming weeks. If a consensus is reached on other reforms needed to protect shippers and the public, additional legislation may be forthcoming from the Commerce Committee.

I look forward to working with my colleagues in moving this bill through the legislative process in the weeks ahead. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.

(a) SHORT TITLE.—This Act may be cited as the ''Surface Transportation Board Reauthorization Act of 2003''.

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. AUTHORIZATION LEVELS.

There are authorized to be appropriated to the Surface Transportation Board $20,516,000 for fiscal year 2004, $21,215,000 for fiscal year 2005, $23,770,000 for fiscal year 2006, $22,564,000 for fiscal year 2007, and $23,488,000 for fiscal year 2008.

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 701(c)(1) is amended by striking ''President'' and inserting ''president, by and with the advice and consent of the Senate,''.

Mr. HARKIN:

S. 1392. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. CRAPO, and Ms. STABENOW):

S. 1393. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, no one can doubt that kids today face tremendous obstacles to eating right and making healthy choices.

Every day, they are bombarded with dozens of advertisements enticing them to eat more and more unhealthy foods. Tens of billions of dollars are spent each year to convince our kids to buy the products. In the face of this advertising and marketing power, our efforts to help kids eat healthier are more important than ever.

This is no less the case in our schools than elsewhere in society. Even in our schools, it's getting harder and harder to ensure that kids get healthy food. The sale of soda pop, candy, foods high in fat and low in nutritional value, commonly called junk food, has become an accepted, but still unacceptable, reality in American schools. Ballooning sales of soft drinks and candy in our schools undercut the $15 billion dollar investment our nation makes in child nutrition every year.

I still believe that, given the chance, our kids can and will make good choices about the foods they eat. We just don't give them these choices.

To test this hypothesis that, given the opportunity, kids would make good choices about the food they eat, I proposed and got adopted in the Farm Security and Rural Investment Act of

2002 a pilot program that provides grants to schools for the simple purpose of allowing them to use the money to purchase fresh fruits and vegetables for their students. Some schools use the grants to deliver bins of fruits and vegetables to their classrooms every day. Others set up kiosks in the halls. A few schools even put free fruits and vegetables in their vending machines.

Not long ago the Department of Agriculture released its assessment of the pilot program. Not surprisingly, it received high marks. Schools reported that 98 percent of students were interested in the program. Schools also reported that, over the course of the program, 71 percent of students grew more, not less, interested in the program. Most importantly, students told program evaluators that the pilot made them much more conscious about the junk food that they eat.

Over the course of the year my staff and I visited numerous schools in Iowa that participated in the pilot program. These visits simply confirmed what USDA reported in its report on the pilot program. The enthusiasm was incredible. Students loved it. Teachers loved it. Administrators loved it. Parents loved it. When I visited Harding Middle School in Des Moines at the end of May, just as the pilot program was coming to an end, they gave me one message loud and clear—''keep the fruits and vegetables coming.''

Today I am introducing legislation, S. 1392, to do just that and to expand the program to all 50 States.

Under this legislation, the pilot program would expand from its current 4 states and tribal schools and 60,000 students to 50 states and over 1 million children. It would also expand the pilot to ensure that additional Indian tribal schools are able to participate in the program.

It would do this at a reasonable price tag—only $75 dollars per student per year. This means that at a cost of just over $75 million per year, we can make fresh fruits and vegetables a constant presence in the life of over 1 million American schoolchildren. It is difficult for me to imagine a more effective use of taxpayer dollars.

Today I am also introducing companion legislation, S. 1393, to the fruit and vegetable pilot program expansion. The first piece of legislation seeks to provide kids with healthier food, and the second complements that by improving the overall nutritional environment of American schools. It seeks to give kids more choices and the ability to choose healthy foods.

Despite the fact that we invest over $15 billion annually in child nutrition, our nation's children still too often do not get good nutrition at their schools. Meals provided through the National School Lunch Program and the School Breakfast Program must meet nutritional standards. But there is far too much competition and interference with these balanced meals. Vending machines, school snack bars, and a la carte sales routinely provide kids with a wide variety of less healthy choices.

A recent GAO report found that 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, snack bars, canteens, and other places where students can readily obtain foods that defeat the sound and balanced nutrition that children and adolescents need.

We talk about the importance of giving our kids lots of choices, but as junk foods become the norm and displace more nutritious choices, are we giving kids more choices or less? I believe we should always provide kids with good tasting and healthy alternatives to the foods that provide almost no nutritional benefits. The bills that I'm introducing today provide schools and students with more choices, not less. I want to make sure that the kids in Iowa schools and other schools across the country will be able to choose foods that both taste great and are great for their health and nutrition.

The omnipresence of junk food is one of the reasons that our society is confronting a lethal threat—obesity. Obesity is even more pronounced among our children. According to the Centers for Disease Control, in the year 2000, 64 percent of all Americans were classified as either overweight or obese. Of these, 30 percent were actually obese. Among kids, the problem of obesity is exploding. In the last 20 years, the number of overweight kids tripled.

This is nothing short of a public health crisis. It's past time to get serious about fighting obesity and we must fight obesity first at its root—childhood—where children learn habits that stay with them for life.

A recent article in the journal Health Affairs estimated the cost of obesity to our nation at $93 billion annually. That is nearly a tenth of annual health care spending. Incredibly, obesity costs our society about as much as smoking.

In response to the health threats our kids face at schools, many schools across the country are taking matters into their own hands. Some are providing healthier choices in their vending machines, school snack bars, and a la carte sales. In Iowa, with support from the milk industry, selected schools are working to replace soft drinks with milk. The results are encouraging. Schools report that students are enthusiastic about these changes. It just goes to show that not only are students willing to accept healthier choices like fresh fruit and vegetables and milk, but that they actively want them.

We also know that schools have benefited financially and nutritionally from expanding the choices available to their children.

Faced with alarming statistics about childhood overweight and obesity rates, North Community High School in Minneapolis reevaluated the school's beverage vending practices. With the support of the administrative team, the principal contacted the district's Coca-Cola representative, who was willing to work with North to provide healthier choices. As a result, the school increased the number of machines from four to 16, stocked 13 machines with water or 100 percent fruit/vegetable juice, stocked two machines with sports drinks, and limited soda to one machine with limited hours of sale. They also instituted a competitive pricing system, selling water for $.75, sports drinks and 100 percent fruit/vegetable juices for $1.00, and soda and fruit drinks, e.g., Fruitopia, for $1.25. The water machines are strategically placed in high traffic areas and students are now allowed to drink water in the classroom. Soda sales are down, but vending profits increased by almost $4,000 and the total number of cases of beverages has more than doubled from the previous school year, with water being the best seller.

These are the kinds of efforts and innovations that we need to encourage and support. That is why the second bill that I am introducing today creates a competitive incentive grant program to schools to improve the overall nutritional atmosphere in schools. Under this program, the Secretary of Agriculture makes competitive grants to schools so that they can provide healthier vending alternatives, improve the nutritional quality of their school meals, promote the consumption of fruits and vegetables, and provide nutrition education.

With this support, other schools can follow in the footsteps of schools like North Community High School and institute practices that are good for the school and good for the students.

Because we know that success in this area requires the leadership and commitment of a broad range of stakeholders, this bill gives a preference to schools that can demonstrate a multisectoral approach and engage the efforts of parents, businesses, and anyone else with a vested interest in the nutrition and educational success of our students. It also gives priority to applications that include a plan for continued success once their federal grant money has been expended.

Finally, the legislation uses sound science, not special interests, to determine what kinds of nutritional standards our elementary, middle schools, and secondary schools should institute. To achieve this, my legislation directs the Secretary of Agriculture to enter into an agreement with the Institute of Medicine at the National Academy of Sciences, one of the premier scientific institutions in this country. The Institute of Medicine is directed to study the issue of children's nutritional needs at school and to make recommendations to the Secretary of Agriculture regarding appropriate standards for the sale of all foods in our schools.

Based upon the recommendations of the Institute of Medicine, the Secretary is directed to promulgate regulations that will provide appropriate and adequate safeguards for the nutrition of our children at school.

Taken together, the two pieces of legislation that I am introducing today represent a new chapter in our nation's efforts to provide for the health and safety of our kids. This body has a long history of bipartisan efforts on child nutrition and, with our child nutrition programs up for reauthorization this year, I have every reason to believe that these efforts will continue this year. Having served on the Senate Committee on Agriculture, Nutrition, and Forestry, I know that the issue of child nutrition knows no partisan boundaries. Democrats and Republicans alike have joined together over the years. I invite my colleagues on both sides of the aisle to join me in cosponsoring this legislation to give kids the healthy choices they want and deserve and to safeguard the nutrition of our nation's children. If ever our children have been in greater need of this support, I cannot remember it, and so I invite my colleagues to join me in this effort.

I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NUTRITIONAL IMPROVEMENT FOR CHILDREN SERVED UNDER CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

''(h) HEALTHY SCHOOL NUTRITION ENVIRONMENT INCENTIVE GRANTS.—

''(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall make competitive grants to selected elementary and secondary schools—

''(A) to create healthy school nutrition environments; and

''(B) to assess the impact of the environments on the health and well-being of children enrolled in the schools.

''(2) SELECTION OF SCHOOLS.—In selecting schools to receive incentive grants under this subsection, the Secretary shall—

''(A) ensure that not less than 75 percent of schools selected to participate in the program established under this subsection are schools in which not less than 50 percent of the students enrolled in each school are eligible for free or reduced price meals under this Act;

''(B) ensure that, of the schools selected to participate in the program, there is appropriate representation of rural, urban, and suburban schools, as determined by the Secretary;

''(C) ensure that, of the schools selected to participate in the program, there is appropriate representation of elementary, middle, and secondary schools, as determined by the Secretary;

''(D) ensure that schools selected to receive a grant under this subsection meet the requirements of paragraph (3);

''(E) give priority to schools that develop comprehensive plans that include the involvement of a broad range of community stakeholders in achieving healthy school nutrition environments;

''(F) give priority to schools that develop comprehensive plans that include a strategy for maintaining healthy school nutrition environments in the years following the fiscal years for which the schools receive grants under this subsection;

''(G) select only schools that submit grant applications by May 1, 2004; and

''(H) make grant awards effective not later than July 15, 2004.

''(3) REQUIREMENTS.—

''(A) INPUT.—Prior to the solicitation of proposals for grants under this subsection, the Secretary shall solicit input from appropriate nutrition, health, and education organizations (such as the American School Food Service Association, the American Dietetic Association, and the National School Boards Association) regarding the appropriate criteria for a healthy school environment.

''(B) CRITERIA FOR HEALTHY SCHOOL ENVIRONMENTS.—The Secretary shall, taking into account input received under subparagraph (A), establish criteria for defining a healthy school environment, including criteria that—

''(i) provide program meals that meet nutritional standards for breakfasts and lunches established by the Secretary;

''(ii) ensure that all food served (including food served in participating schools and service institutions in competition with the programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)) on school grounds during regular school hours is consistent with the nutritional standards for breakfasts and lunches established by the Secretary;

''(iii) promote the consumption of fruits and vegetables;

''(iv) provide nutrition education to students and staff; and

''(v) meet other criteria established by the Secretary.

''(C) PLANS.—To be eligible to receive a grant under this subsection, a school shall submit to the Secretary a healthy school nutrition environment plan that describes the actions the school will take to meet the criteria established under subparagraph (B).

''(4) GRANTS.—For each of fiscal years 2005 through 2008, the Secretary shall make a grant to each school selected under paragraph (2).

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of a representative sample of schools that receive grants under this subsection.

''(B) CONTENT.—The evaluation shall measure, at a minimum, the effects of a healthy school nutrition environment on—

''(i) overweight children and obesity;

''(ii) dietary intake;

''(iii) nutrition education and behavior;

''(iv) the adequacy of time to eat;

''(v) physical activities;

''(vi) parental and student attitudes and participation; and

''(vii) related funding issues, including the cost of maintaining a healthy school nutrition environment.

''(C) REPORTS.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(i) not later than December 31, 2005, an interim report on the activities of schools evaluated under this subsection; and

''(ii) not later than December 31, 2007, a final report on the activities of schools evaluated under this subsection.

''(6) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

''(i) on October 1, 2003, $10,000,000

''(ii) on October 1, 2004, and each October 1 thereafter through October 1, 2006, $35,000,000.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

''(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.

''(D) EVALUATIONS.—Of the funds made available under this paragraph, the Secretary shall use not more than $5,000,000 to conduct evaluations under paragraph (5).''.

(b) COMPETITIVE FOODS IN SCHOOLS.—

(1) IN GENERAL.—Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(A) in subsection (a), by striking '', including'' and all that follows through ''Lunch Act''; and

(B) by striking subsection (b) and inserting the following:

''(b) COMPETITIVE FOODS IN SCHOOLS.—

''(1) IN GENERAL.—The regulations under subsection (a) may include provisions that regulate the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (referred to in this subsection as 'competitive foods').

''(2) REGULATIONS.—The regulations promulgated under paragraph (1)—

''(A) shall apply to all school grounds during the duration of the school day;

''(B) shall not supersede or otherwise affect State and local regulations on competitive foods that, as determined by the Secretary, conform to the nutritional goals of the regulations promulgated by the Secretary;

''(C) shall require that the proceeds from the sale of competitive foods in schools be used for the benefit of the schools or of organizations of students approved by the schools, if those sales are allowed by the regulations;

''(D) shall take into account the differing needs of—

''(i) elementary schools;

''(ii) middle schools and junior high schools; and

''(iii) high schools; and

''(E) shall implement the recommendations of the Institute of Medicine made under paragraph (3).

''(3) INSTITUTE OF MEDICINE RECOMMENDATIONS.—

''(A) IN GENERAL.—The Secretary of Agriculture shall offer to enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which the Institute of Medicine, based on sound nutritional science, shall make recommendations to the Secretary regarding the regulation of competitive foods (as defined in section 10(b)(1) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B))).

''(B) REGULATIONS.—Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, the Secretary shall promulgate regulations to carry out section 10(b) of the Child Nutrition Act of 1966 (as amended by paragraph (1)(B)) in accordance with the recommendations of the Institute of Medicine.

''(C) REPORT.—Not later than 1 year after the date of receipt of final recommendations from the Institute of Medicine, the Secretary shall submit to the Committee on

Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the actions of the Secretary under subparagraph (B).

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRUIT AND VEGETABLE PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (g) and inserting the following:

''(g) FRUIT AND VEGETABLE PILOT PROGRAM.—

''(1) IN GENERAL.—For each of the school years beginning July 2003, July 2004, July 2005, July 2006, and July 2007 the Secretary shall carry out a pilot program to make free fresh and dried fruits and free fresh vegetables available, throughout the school day in 1 or more areas designated by the school, to—

''(A) students in the 25 elementary or secondary schools in each of the 4 States, and in the elementary or secondary schools on the reservation, authorized to participate in the program under this subsection (as in effect on the day before the date of enactment of this subparagraph);

''(B) to the maximum extent practicable, an additional 10,000 students in each State authorized to participate in the program under this subsection (as in effect on the day before the enactment of the this subparagraph);

''(C) to the maximum extent practicable, 20,000 students enrolled in schools in each of the States not participating in the program under this subsection on the day before the date of enactment of this subparagraph, as selected by the Secretary; and

''(D) to the maximum extent practicable, 20,000 students enrolled in schools operated by tribal organizations.

''(2) SELECTION OF SCHOOLS.—

''(A) IN GENERAL.—In selecting schools to participate in the pilot program, the Secretary shall—

''(i) to the maximum extent practicable, ensure that not less than 75 percent of students selected are from schools in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

''(ii) solicit applications from interested schools that include—

''(I) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(II) a certification of support for participation in the pilot program signed by the school food manager, the school principal, and the district superintendent (or their equivalent positions, as determined by the school); and

''(III) such other information as may be requested by the Secretary; and

''(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act.

''(B) LOTTERY.—

''(i) SCHOOLS WITH SUBSTANTIAL FREE OR REDUCED PRICE MEAL ELIGIBILITY.—Subject to clauses (iii) and (iv), the Secretary shall randomly select, from among the schools in a participating State determined under subparagraph (A)(iii) to have at least 50 percent of students eligible for free or reduced price meals under this Act, schools to participate in the program under this subsection so as to ensure, to the maximum extent practicable, that the aggregate number of students represented by those schools in the State meets the requirements of this subsection.

''(ii) OTHER SCHOOLS.—Subject to clauses (iii) and (iv), the Secretary shall randomly select, from among the schools in a participating State determined under subparagraph (A)(iii) to have less than 50 percent of students eligible for free or reduced price meals under this Act, schools to participate in the program under this subsection so as to ensure that the aggregate number of students represented by those schools, plus the aggregate number of students from schools selected under clause (i), in the State meets the requirements of this subsection.

''(iii) INSUFFICIENT APPLICATIONS.—If, for any State, the Secretary determines that the number of schools described in subparagraph (A)(i) is insufficient to meet the requirements of this subsection, the Secretary may randomly select such additional applications from schools submitting applications under this subsection as are necessary to meet the requirements.

''(iv) APPLICABILITY TO EXISTING PARTICIPANTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the schools, States, and reservation authorized to participate in the pilot program under this subsection (as in effect on the date before the date of enactment of this subparagraph) shall not be subject to this subparagraph.

''(II) NEW STUDENTS.—Subclause (I) shall not apply to students authorized to participate in the program under paragraph (1)(B).

''(3) NOTICE OF AVAILABILITY.—To participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh and dried fruits and free fresh vegetables under the pilot program.

''(4) REPORTS.—

''(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2004, 2005, 2006, and 2007, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

''(B) FINAL REPORT.—Not later than December 31, 2007, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program under this subsection.

''(5) PER STUDENT GRANT.—

''(A) IN GENERAL.—For each school year during which a school participates in the program under this subsection, the Secretary shall provide to the school $75 for each student, as adjusted under subparagraph (B).

''(B) ADJUSTMENT.—The amount of the grant for each student under subparagraph (A) shall be adjusted on July 1, 2004, and each July 1 thereafter, to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for fresh fruits and vegetables, with the adjustment—

''(i) rounded down to the nearest dollar increment; and

''(ii) based on the unrounded amounts for the preceding 12-month period.

''(6) FUNDING.—

''(A) EXISTING FUNDS.—The Secretary shall use to carry out this subsection any funds that remain under this subsection (in effect on the day before the date of enactment of this subparagraph).

''(B) NEW FUNDS.—The Secretary shall use such funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as are necessary to carry out this subsection (other than paragraph 4).

''(C) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this paragraph, without further appropriation.

''(D) AVAILABILITY OF FUNDS.—Funds made available under this paragraph shall remain available until expended.

''(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.''.

By Mr. HATCH:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the ''Equal Opportunity to Govern'' Amendment, which would amend the Constitution to permit any person who has been a United States citizen for at least 20 years to be eligible for the Office of President. The Constitution, in its current form, prohibits a person who is not a native born citizen of the United States from becoming President.

The purpose of the native born citizen requirement has long passed, and it is time for us—the elected representatives of this Nation or immigrants—to remove this impediment. While there was scant debate on this provision during the Constitutional Convention, it is apparent that the decision to include the natural born citizen requirement in our Constitution was driven largely by the concern that a European monarch, such as King George III's second son, the Duke of York, might be imported to rule the United States.

This restriction has become an anachronism that is decidedly un-American. Consistent with our democratic form of government, our citizens should have every opportunity to choose their leaders free of unreasonable limitations. Indeed, no similar restriction bars other critical members of government, including the Senate, the House of Representatives, the Supreme Court, or the President's most trusted cabinet officials.

Ours is a Nation of immigrants. The history of the United States is replete with scores of great and patriotic Americans whose dedication to this country is beyond reproach, but who happen to have been born outside of Her borders. These include former secretaries of state Henry Kissinger and Madeleine Albright; current Cabinet members Secretary of Labor Elaine L. Chao and Secretary of Housing and Urban Development Mel Martinez; as well as Jennifer Granholm, the Governor of Michigan and bring young star

of the Democratic party. As our Constitution reads today, none of these well-qualified, patriotic United States citizens could be a lawful candidate for President.

Perhaps most disturbing is that the scores of foreign-born men and women who have risked their lives defending the freedoms and liberties of this great nation who remain ineligible for the Office of President. More than 700 recipients of the Congressional Medal of Honor—our Nation's highest decoration for valor—have been immigrants. But no matter how great their sacrifice, leadership, or love for this country, they remain ineligible to be a candidate for President. This amendment would remove this unfounded inequity.

Today I ask the members of this body if we desire to continue to invite these brave men and women to defend this Nation's liberty, to protect Her flag, to be willing to pay the ultimate sacrifice, and yet deny them the opportunity to strive for the ultimate American dream—to become our President? I respectfully submit that we should not.

My proposal to amend the Constitution is not one I take lightly. As our founding fathers envisioned, our Constitution has stood the test of time. It has remained largely intact for more than 200 years due to the careful, deliberative, and principled approach of the framers. This is truly an extraordinary achievement. On a few appropriate occasions, however, we have generated the will to surmount the cumbersome, but no doubt necessary, hurdles to amend the Constitution. I believe the time has now come to address the antiquated provision of the Constitution that requires our President to be a natural born citizen. It has long outlived its original purpose.

I ask my colleagues to join me in supporting the Equal Opportunity to Govern Amendment.

AMENDMENTS SUBMITTED & PROPOSED

SA 1150. Mr. LUGAR (for Mr. BIDEN (for himself and Ms. MIKULSKI)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1151. Mr. LUGAR (for Mr. BREAUX) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1152. Mr. LUGAR (for Mr. COLEMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1153. Mr. LUGAR (for Mr. DASCHLE) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1154. Mr. LUGAR (for Mrs. FEINSTEIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1155. Mr. LUGAR (for Mr. BIDEN (for himself, Mrs. FEINSTEIN, and Mr. AKAKA)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1156. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1157. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1158. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1159. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1160. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1161. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1162. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1163. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1164. Mr. REID (for himself, Mr. DASCHLE, Mrs. BOXER, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1165. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1166. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1167. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1168. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1169. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1170. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. REED, Ms. CANTWELL, Mr. DAYTON, and Mr. HARKIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1171. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1172. Mr. LUGAR (for Mr. SANTORUM (for himself and Mr. BIDEN)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1173. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1174. Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Ms. MIKULSKI, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1175. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1176. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1177. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1178. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1179. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1180. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1181. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1182. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1183. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1184. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1185. Mr. LUGAR (for Mr. FRIST (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1186. Mr. Lugar (for Mr. VOINOVICH) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1187. Mr. Lugar (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1188. Mrs. CLINTON (for Mr. SCHUMER (for herself and Mrs. CLINTON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1189. Mr. DODD proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1190. Mr. BIDEN (for himself, Mr. LEVIN, Mr. DASCHLE, and Mr. KENNEDY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1191. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1192. Mr. LUGAR (for Mr. ENSIGN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1193. Mr. LUGAR (for Mr. WARNER (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1194. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1195. Mr. LUGAR (for Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1196. Mr. LUGAR (for Mr. DURBIN (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Ms. SNOWE, Mr. CORZINE, and Mrs. HUTCHISON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1197. Mr. LUGAR (for Mr. DURBIN (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1198. Mr. LUGAR (for Mr. DORGAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1199. Mr. BIDEN proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1200. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

SA 1201. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2657, supra.

SA 1202. Mr. SESSIONS proposed an amendment to the bill H.R. 2657, supra.

SA 1203. Mrs. BOXER (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

SA 1204. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1205. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1206. Mr. STEVENS (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2657, supra.

SA 1207. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1208. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, supra; which was ordered to lie on the table.

SA 1210. Mr. REID (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 2657, supra.

TEXT OF AMENDMENTS

SA 1150. Mr. LUGAR (for Mr. BIDEN (for himself and Ms. MIKULSKI)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert following new section:

SEC. 815. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that ''States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.''.

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence against Women.

SA 1151. Mr. LUGAR (for Mr. BREAUX) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting ''the Chief of Protocol of the United States,'' after ''abroad,''.

SA 1152. Mr. LUGAR (for Mr. COLEMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SA 1153. Mr. LUGAR (for Mr. DASCHLE) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriation for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, insert the following new section:

SEC. 815. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

SA 1154. Mr. LUGAR (for Mrs. FEINSTEIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

SA 1155. Mr. LUGAR (for Mr. BIDEN (for himself, Mrs. FEINSTEIN and Mr. AKAKA)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle B of title XXII, add the following:

SEC. 2241. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after ''such certification).'' in the fourth sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''.

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

''(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

''(ii) a summary of any provision under the transfer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and''.

SA 1156. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place insert:

SEC. . REPORT.

Not later than 120 days after enactment, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph 1 of S. Res. 368 (107th Congress) and paragraph 1 of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

SA 1157. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 2512.

SA 1158. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 182, line 16, insert ''**AND THE UNITED KINGDOM**'' after ''**AUSTRALIA**''.

On page 182, beginning on line 22, strike ''The requirements'' through ''into force.'' on page 183, line 4, and insert the following:

''(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

''(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.''.

On page 183, between lines 9 and 10, insert the following:

(c) CERTIFICATION ON NONCONFORMING AGREEMENTS.—Not later than 14 days before the activation of an exemption from the licensing requirements of the Arms Export Control Act pursuant to any bilateral agreement made with the United Kingdom or Australia for that purpose that does not conform to the requirements applicable to such an agreement under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that—

(1) the nonconforming agreement is in the national interest of the United States;

(2) the nonconforming agreement does not in any way adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime;

(3) the nonconforming agreement will not in any way adversely affect—

(A) the abilities of the Secretary to ensure, pursuant to section 2 of the Arms Export Control Act (22 U.S.C. 2752), effective controls over the sales, finances, leases, cooperative projects, and exports that are regulated under such Act; or

(B) any of the duties or requirements of the Secretary under such Act; and

(4) the nonconforming agreement will serve as an effective nonproliferation and export control tool.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the appropriate congressional committees a report on any issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning

the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on any consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on all special provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on any United States origin defense item for which the United States did not seek re-export or transfer authorization under the terms of the Memorandum of Understanding between the United States and the United Kingdom, and on any United States origin defense item for which the United States did not require re-export authorization under the terms of the agreement with Australia; and

(8) on any disagreement the Government of Australia or the Government of the United Kingdom may have with the United States Government concerning any aspect of the bilateral agreements between such country and the United States, and on any disagreement with the Government of the United Kingdom concerning any aspect of any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees not later than 30 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SA 1159. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

In section 2403(2)(B), strike ''and'' after the semicolon.

In section 2403(2)(C), strike the period and insert ''; and''.

In section 2403(2), add at the end the following:

(D) is determined by the United States Government not to have an offensive biological weapons program.

In section 2403(3), strike ''who is eligible to receive'' and all that follows and insert ''who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

In section 2408(b)(3), strike ''and'' after the semicolon.

In section 2408(b)(4), strike ''(4)'' and insert ''(5)''.

In section 2408(b), insert after paragraph (3) the following:

(4) necessary to secure and monitor pathogen collections containing select agents; and

In section 2408(e), insert ''monitor,'' after ''secure,''.

In section 2413(c), strike ''90 days'' and insert ''120 days''.

SA 1160. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 205.

SA 1161. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 205.

At the end of title III, add the following:

SEC. 313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting ''the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),'' after ''considering''; and

(2) by striking ''the grievant or'' and inserting ''the grievant, or''.

SA 1162. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED STATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 577) is amended—

(1) in the heading, by striking ''BIMONTHLY'' and inserting ''QUARTERLY'';

(2) by striking ''60 days'' and inserting ''90 days''; and

(3) by striking ''to Congress'' and inserting ''appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)''.

SA 1163. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 2239.

SA 1164. Mr. REID (for himself, Mr. DASCHLE, Mrs. BOXER, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

SA 1165. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.

(a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 116 Stat. 2339; 28 U.S.C. 1610 note) is amended by inserting before the semicolon the following: '', any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

SA 1166. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 4, insert the following before the semi-colon: and the sustainable use of natural resources

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SA 1167. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 815. COUNTING TIME SPENT ABROAD AS SPOUSE OF ARMED FORCES MEMBER FOR NATURALIZATION.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following: ''For purposes of this subsection, if an applicant resides abroad in marital union with a citizen spouse who, during the entire period of such residence, is serving honorably in the Armed Forces of the United States, such period of residence abroad shall be considered residence and physical presence by both spouses in the United States and in the State and district in which the applicant files the application.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to residence abroad occurring on or after June 1, 1998.

SA 1168. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible northern border entity'' means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years thereafter.

SA 1169. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 815. INTERNATIONAL MARRIAGE BROKERS.

(a) SHORT TITLE.—This section may be cited as the ''International Marriage Broker Control Act of 2003''.

(b) LIMIT ON CONCURRENT PETITIONS FOR FIANCÉ(E) VISAS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by inserting ''(1)'' before ''A visa''; and

(2) by adding at the end the following:

''(2) A United States citizen or a legal permanent resident may not file more than 1 concurrent application for a visa under section 101(a)(15)(K)(i) in any 1-year period.''.

(c) INTERNATIONAL MARRIAGE BROKERS.—Section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375), is amended to read as follows:

''SEC. 652. INTERNATIONAL MARRIAGE BROKERS.

''(a) FINDINGS.—Congress finds the following:

''(1) There is a substantial international marriage broker business worldwide. A 1999 study by the Immigration and Naturalization Service estimated that in 1999 there were at least 200 such companies operating in the United States, and that as many as 4,000 to 6,000 persons in the United States, almost all male, find foreign spouses through for-profit international marriage brokers each year.

''(2) Aliens seeking to enter the United States to marry citizens of the United States currently lack the ability to access and fully verify personal history information about their prospective American spouses.

''(3) Persons applying for fiancé(e) visas to enter the United States are required to undergo a criminal background information investigation prior to the issuance of a visa. However, no corresponding requirement exists to inform those seeking fiancé(e) visas of any history of violence by the prospective United States spouse.

''(4) Many individuals entering the United States on fiancé(e) visas for the purpose of marrying a person in the United States are unaware of United States laws regarding domestic violence, including protections for immigrant victims of domestic violence, prohibitions on involuntary servitude, protections from automatic deportation, and the role of police and the courts in providing assistance to victims of domestic violence.

''(5) Evidence indicates that a disproportionate number of women from foreign countries who meet their American husbands through international marriage brokers become victims of domestic violence.

''(b) DEFINITIONS.—In this section:

''(1) CLIENT.—The term 'client' means a United States citizen or legal permanent resident who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

''(2) CRIME OF VIOLENCE.—The term 'crime of violence' has the same meaning given the term in section 16 of title 18, United States Code.

''(3) DOMESTIC VIOLENCE.—The term 'domestic violence' means any crime of violence, or other act forming the basis for past or outstanding protective orders, restraining orders, no-contact orders, convictions, arrests, or police reports, committed against a person by—

''(A) a current or former spouse of the person;

''(B) an individual with whom the person shares a child in common;

''(C) an individual who is cohabiting with or has cohabited with the person;

''(D) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs; or

''(E) any other individual;

if the person is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(4) FOREIGN NATIONAL CLIENT.—The term 'foreign national client' means an alien residing outside the United States who utilizes the services of an international marriage broker.

''(5) INTERNATIONAL MARRIAGE BROKER.—

''(A) IN GENERAL.—The term 'international marriage broker' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, social referrals, or matching services between United States citizens or legal permanent residents and nonresident aliens by providing information that would permit an individual to contact a person, including—

''(i) providing the name, telephone number, address, electronic mail address, or voicemail of that person; or

''(ii) providing an opportunity for an in-person meeting.

''(B) EXCEPTIONS.—Such term does not include—

''(i) a traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries of the foreign national clients of such organization and the laws of the United States; or

''(ii) an entity that provides dating services between United States citizens and aliens, but not as its principal business, and charges comparable rates to clients regardless of the gender or country of residence of the client.

''(6) PERSONAL CONTACT INFORMATION.—

''(A) IN GENERAL.—The term 'personal contact information' means information that would permit an individual to contact a person, including—

''(i) the name, address, phone number, electronic mail address, or voice message mailbox of that person; and

''(ii) the provision of an opportunity for an in-person meeting.

''(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

''(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO INFORMED CONSENT.—An international marriage broker shall not provide any personal contact information about any foreign national client, not including photographs, to any person unless and until the international marriage broker has—

''(1) provided the foreign national client with information in the native language of the foreign national client that explains the rights of victims of domestic violence in the United States, including the right to petition for residence independent of, and without the knowledge, consent, or cooperation of, the spouse; and

''(2) received from the foreign national client a signed consent to the release of personal contact information.

''(d) MANDATORY COLLECTION OF INFORMATION.—

''(1) IN GENERAL.—Each international marriage broker shall require each client to provide the information listed in paragraph (2), in writing and signed by the client (including by electronic writing and electronic signature), to the international marriage broker prior to referring any personal contact information about any foreign national client to the client.

''(2) INFORMATION.—The information required to be provided in accordance with paragraph (1) is as follows:

''(A) Any arrest, charge, or conviction record for homicide, rape, assault, sexual assault, kidnap, or child abuse or neglect.

''(B) Any history of a court ordered restriction on physical contact with another person, including any temporary or permanent restraining order or civil protection order.

''(C) Marital history, including if the person is currently married, if the person has previously been married and how many times, and how previous marriages were terminated and the date of termination.

''(e) ADDITIONAL OBLIGATIONS OF THE INTERNATIONAL MARRIAGE BROKER.—An international marriage broker shall not provide any personal contact information about any foreign national client, unless and until—

''(1) the client has been informed that the client will be subject to a criminal background check should they petition for a visa under section 101(a)(15)(K)(i) of the Immigration Nationality Act (8 U.S.C 1101(a)(15)(K)(i)); and

''(2) the foreign national client has been provided a copy of the information required under subsection (d).

''(f) CIVIL PENALTY.—

''(1) VIOLATION.—An international marriage broker that the Director of Homeland Security determines has violated any provision of this section or subsection (g) of the International Marriage Broker Control Act of 2003 shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $20,000 for each such violation.

''(2) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty imposed under paragraph (1) may be imposed only after notice and an opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

''(g) CRIMINAL PENALTY.—An international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates any provision of this section or subsection (g) of the International Marriage Broker Control Act of 2003 shall be fined in accordance with title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

''(h) STUDY AND REPORT.—

''(1) STUDY.—Not later than 2 years after the date of enactment of the International Marriage Broker Control Act of 2003, the Attorney General, in consultation with the Director of the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, shall conduct a study—

''(A) regarding the extent of compliance with this section and subsection (g) of the International Marriage Broker Control Act of 2003;

''(B) that assesses information gathered under this section and subsection (g) of the International Marriage Broker Control Act of 2003 from clients and petitioners by international marriage brokers and the Bureau of Citizenship and Immigration Services; and

''(C) that describes, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with this section and subsection (g) of the International Marriage Broker Control Act of 2003.

''(2) REPORT.—Not later than 3 years after the date of enactment of the International Marriage Broker Control Act of 2003, the Secretary of Homeland Security shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth the results of the study conducted pursuant to paragraph (1).''.

(d) CRIMINAL BACKGROUND CHECK.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)), as amended by subsection (b), is further amended by adding at the end the following:

''(3) A petitioner for a visa under section 101(a)(15)(K)(i) shall undergo a national criminal background check prior to the petition being approved by the Secretary of Homeland Security, and the results of the background check shall be included in the petition forwarded to the consular office under that section.''.

(e) CHANGES IN CONSULAR PROCESSING OF FIANCÉ(E) VISA APPLICATIONS.—

(1) IN GENERAL.—During the consular interview for purposes of the issuance of a visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)), a consular officer shall disclose to the alien applicant information in writing in the native language of the alien concerning—

(A) the illegality of domestic violence in the United States and the availability of resources for victims of domestic violence (including aliens), including protective orders, crisis hotlines, free legal advice, and shelters;

(B) the requirement that international marriage brokers provide foreign national clients with responses of clients to questions regarding the client's domestic violence history and marital history and inform the foreign national client that this information may not be accurate;

(C) the right of an alien who is or whose children are subjected to domestic violence or extreme cruelty by a United States citizen spouse or legal permanent resident spouse, to self-petition for legal permanent immigration status under the Violence Against Women Act independently of, and without the knowledge, consent, or cooperation of, such United States citizen spouse or legal permanent resident spouse; and

(D) any information regarding the client that was—

(i) provided to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security pursuant to subsection (g); and

(ii) contained in the background check conducted in accordance with section 214(d)(3) of the Immigration and Nationality Act, as added by subsection (d), relating to

any conviction for a crime of violence, act of domestic violence, or child abuse or neglect.

(2) DEFINITIONS.—In this section, the terms ''client'', ''domestic violence'', ''foreign national client'', and ''international marriage brokers'' have the same meaning given such terms in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375).

(f) INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (d)(2), by inserting ''and the role of international marriage brokers (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375))'' after ''public corruption''; and

(2) by adding at the end the following:

''(f) MEETINGS.—The Task Force shall meet not less than 2 times in a calendar year.''.

(g) BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.—The Bureau of Citizenship and Immigration Services within the Department of Homeland Security shall require that information described in section 652(c) of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C. 1375(c)), as amended by subsection (b), be provided to the Bureau of Citizenship and Immigration Services by the client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) in writing and signed under penalty of perjury as part of any visa petition under section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)).

(h) GOOD FAITH MARRIAGES.—The fact that an alien who is in the United States on a visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) is aware of the criminal background of a client (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)) cannot be used as evidence that the marriage was not entered into in good faith.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

(j) PREEMPTION.—Nothing in this section, or the amendments made by this section, shall preempt any state law that provides additional protection for aliens who are utilizing the services of an international marriage broker (as defined in section 652 of the Omnibus Consolidated Appropriations Act, 1997 (8 U.S.C.1375)).

SA 1170. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. REED, Ms. CANTWELL, Mr. DAYTON, and Mr. HARKIN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

After title IX, add the following:

TITLE ___—UNEMPLOYMENT COMPENSATION

SEC. ___. ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR EXHAUSTEES.

(a) ADDITIONAL WEEKS.—Section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by adding at the end the following:

''(d) INCREASED AMOUNTS IN ACCOUNT FOR CERTAIN EXHAUSTEES.—

''(1) IN GENERAL.—In the case of an eligible exhaustee, this Act shall be applied as follows:

''(A) Subsection (b)(1)(A) shall be applied by substituting '100 percent' for '50 percent'.

''(B) Subsection (b)(1)(B) shall be applied by substituting '26 times' for '13 times'.

''(C) Subsection (c)(1) shall be applied by substituting '7 times the individual's average weekly benefit amount for the benefit year' for 'the amount originally established in such account (as determined under subsection (b)(1))'.

''(D) Section 208(b) shall be applied—

''(i) in paragraph (1), as if '', including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section'' were inserted before the period at the end;

''(ii) as if paragraph (2) had not been enacted; and

''(iii) in paragraph (3), by substituting ''the date that is 21 weeks after the date of enactment of Energy Policy Act of 2003'' for ''March 31, 2004''.

''(2) ELIGIBLE EXHAUSTEE DEFINED.—For purposes of this subsection, the term 'eligible exhaustee' means an individual—

''(A) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this subsection; and

''(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account, including amounts deposited in such account by reason of subsection (c)) before such date of enactment.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendment made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an eligible exhaustee's (as defined in section 203(d)(2) of the Temporary Extended Unemployment Compensation Act of 2002, as added by subsection (a)) temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as ''TEUC amounts'').

(3) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR ALL ELIGIBLE EXHAUSTEES.—The determination of whether the eligible exhaustee's (as so defined) State was in an extended benefit period under section 203(c) of such Act that was made prior to the date of enactment of this Act shall be disregarded and the determination under such section, as amended by subsection (a) with respect to eligible exhaustees (as so defined), shall be made as follows:

(A) ELIGIBLE EXHAUSTEES WHO RECEIVED AND EXHAUSTED TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was augmented under such section 203(c) before the date of enactment of this Act, the determination shall be made as of such date of enactment.

(B) ELIGIBLE EXHAUSTEES WHO EXHAUSTED TEUC AMOUNTS BUT WERE NOT ELIGIBLE FOR TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was not augmented under such section 203(c) as of the date of enactment of this Act, the determination shall be made at the time that the individual's account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28), as amended by subsection (a), is exhausted.

SEC. ___. TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.

Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

''(D) TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph applies to an employee who has 10 or more years of service (as so defined).

''(ii) APPLICATION.—Clause (i) shall apply to—

''(I) an employee who received normal benefits for days of unemployment under this Act during the period beginning on July 1, 2002, and ending on December 31, 2003; and

''(II) days of unemployment beginning on or after the date of enactment of the this subparagraph.''.

SA 1171. Mr. LUGAR (for Mr. LEAHY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 250, line 4, insert the following before the semi-colon: and the sustainable use of natural resources

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SA 1172. Mr. LUGAR (for Mr. SANTORUM (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 1173. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

SA 1174. Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Ms. MIKULSKI, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, ''HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H.Con.Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term ''Act'' means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term ''Global Fund'' means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

SA 1175. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. CONDITIONS ON ANY SUSPENSION OF IMMIGRATION PROCESSING OF ALIEN ORPHANS.

(a) REQUIREMENTS OF THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall notify each House of Congress upon suspending the processing of petitions for classification of nationals of a country as alien orphans in accordance with subsection (h). The notification shall set forth the following:

(1) EXPLANATION.—Information, to the extent available, supporting the suspension, including the following:

(A) FAILURE TO OBTAIN BIRTH PARENT CONSENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was not obtained.

(B) FRAUD, DURESS, OR IMPROPER INDUCEMENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was obtained as a result of fraud, duress, or improper inducement.

(C) IMPROPER RELINQUISHMENT.—Information indicating that in recent cases birth parents have relinquished their children in return for improper reward.

(D) INADEQUATE SENDING COUNTRY ADOPTION PROCESS.—Information indicating that the system utilized by the sending country for the arrangement of international adoptions of alien orphans who are nationals of the sending country is inadequate and, as a result, the processing of cases according to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is compromised.

(E) DEPARTMENT OF STATE INABILITY TO PROCESS.—Information indicating that the system of the Department of State in that country for the processing of petitions for the classification of nationals of that sending country as alien orphans is insufficient, and as a result, the Department of State is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(F) DEPARTMENT OF HOMELAND SECURITY INABILITY TO PROCESS.—Information indicating that the system of the Department of Homeland Security in that country for the processing of petitions for the classification of nationals of that sending country as alien orphans is insufficient, and as a result, the Department of Homeland Security is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(G) COMBINATION OF CONDITIONS.—Information indicating that a combination of the conditions listed in this paragraph exist, such that the Department of State or the Department of Homeland Security is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(H) OTHER CONDITIONS.—Information indicating such other conditions that justify a suspension of orphan processing, as appropriate.

(2) SUMMARY OF PRIOR ACTION.—Whenever applicable, a summary of recent actions taken in the sending country and information regarding previous efforts to address conditions articulated in paragraph (1).

(3) PLAN.—To the extent possible, a plan that includes—

(A) ways to remedy the circumstance or circumstances described in paragraph (1) justifying the suspension;

(B) a process to notify United States citizens who might be affected by the suspension; and

(C) a good faith estimate—

(i) of the time needed to remedy the circumstance or circumstances described in paragraph (1); and

(ii) that recognizes and addresses the degree to which resolution of the circumstance or circumstances described in paragraph (1) depend upon the cooperation of the sending country.

(b) EXEMPTIONS FROM SUSPENSION.—The Secretary of Homeland Security shall give consideration to exempting from the suspension those adoptions involving extraordinary humanitarian concerns in accordance with section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)).

(c) ONGOING CONSULTATION.—Not later than 180 days after a suspension takes effect after the date of enactment of this Act, and every 180 days until the suspension is terminated, the Secretary of Homeland Security shall inform Congress that the circumstance or circumstances justifying the suspension still exist.

(d) TRANSITION PROVISION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress, for each country for which a suspension is in effect on the date of enactment of this Act, a report containing a summary of the evidence, plan, and estimate described in subsection (a).

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to require the inclusion of information that—

(1) reasonably could be expected to adversely affect or compromise a civil or criminal enforcement proceeding or investigation; or

(2) would disclose techniques and procedures for law enforcement investigations or prosecutions.

(f) LIMITATION.—Under no circumstances shall a suspension issued under this section be longer than 18 months.

(g) REQUIREMENTS OF THE DEPARTMENT OF STATE.—Neither the Secretary of State nor any other official of the Department of State shall urge a foreign government to suspend the processing of international adoptions by United States citizens unless the Secretary of State provides notice in writing to each House of Congress, in accordance with subsection (h), of the intention of the Secretary of State to take such action.

(h) SUBMISSION OF NOTICES TO CONGRESS.—The submission of a notice under subsection (a) or a notice under subsection (g) is satisfied if the notice, as appropriate, is submitted on the day the action is to be taken.

(i) DEFINITIONS.—In this section:

(1) ALIEN ORPHAN.—The term ''alien orphan'' means an alien child described in subparagraph (F) or (G) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1) (F) or (G)).

(2) SENDING COUNTRY.—The term ''sending country'' means the country with legal authority to process the adoption of the child in question.

(3) SUSPENSION.—The term ''suspension'' means, with respect to a country, the decision by the Secretary of Homeland Security to suspend the processing of petitions for classification of alien orphans who are natives of that country.

SA 1176. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. VISA WAIVER PROGRAM.

(a) IN GENERAL.—Section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)) is amended by adding at the end the following: ''Poland shall be designated as a program country under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made in subsection (a) shall take effect 60 days after the date of enactment of this Act.

SA 1177. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the passage of legislation providing initial United States assistance for the Plan Colombia initiative.

(2) In the preceding years, the Government of Colombia has made significant progress in the eradication of the production of illegal drugs.

(3) Due to the efforts of the Government of Colombia—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares sprayed with herbicides in 2003;

(B) Colombia has sprayed 3,300 hectares of poppy crop with herbicides in 2002, and an additional 1,658 hectares in 2003; and

(C) between January 2002 and May 2003, the Government has seized 100 tons of pure cocaine and 850 kilos of heroin with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia are better trained (with 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades) and have established and equipped the Tres Esquinas base for counterdrug operations in southern Colombia.

(5) The armed forces of Colombia are defeating the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of a total of 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of billions of gallons of solid and liquid chemicals used for manufacturing cocaine, and the seizure of more than 4,000 weapons from guerrillas and drug traffickers.

(6) The Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia has made progress in establishing law and order in Colombia, as demonstrated by the facts that—

(A) homicides have declined in Colombia by 20 percent during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have declined by 40 percent, during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, 78,000 new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia is showing its commitment to fighting the scourge of illegal drugs by increasing defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and by enlarging its armed forces by 126,000 troops.

(10) The Government of Colombia is actively providing peasants with alternatives to coca development, including encouraging 22,829 families to abandon coca production and participate in development programs, supporting 24,549 hectares of legal crops with technical and agricultural assistance, and completing 349 community and social infrastructure projects such as roads, bridges, sewer systems, water treatment facilities, schools, and health clinics.

(11) The Government of Colombia is providing humanitarian assistance to internally displaced persons, including providing aid to 774,601 persons, training 31,721 individuals for new jobs, giving vocational and skill development training to 10,106 individuals, providing health care for 360,946 persons, improving access to education for 92,172 children, and assisting 13,820 individuals in returning to their homes.

(12) The Government of Colombia is taking steps to protect the human rights of the people of Colombia by establishing the national early warning system, with 13 regional offices, to prevent forced displacement and human rights violations, and by providing protection for 2,731 human rights workers, labor leaders, journalists, and local government officials.

(13) The Government of Colombia is taking steps to ensure military accountability—

(A) by establishing in its armed forces a Judge Advocate General center and Military Penal Justice Corps with United States assistance;

(B) by establishing human rights units under the Colombian Attorney General's office, the armed forces, and the national police; and

(C) by implementing procedures to prevent United States assistance from being distributed to any unit of the Colombian armed forces that has engaged in human rights violations.

(14) The Government of Colombia is taking steps to ensure the fair administration of justice in Colombia by establishing 31 Casas de Justicia that have handled 1,600,000 cases by July 2003, by creating 19 oral trial courtrooms and training 3,400 judges to administer justice, and by training Colombian law enforcement personnel, judges, and prosecutors in anti-corruption, money-laundering, and anti-kidnapping measures.

(15) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia for their successful implementation of Plan Colombia and for their commitment to fighting illegal drugs and terrorism;

(2) supports the efforts of President Uribe and the Government and people of Colombia, and their commitment, to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia; and

(3) commemorates, and observes the third anniversary of, the enactment of legislation providing initial United States assistance for the Plan Colombia initiative.

SA 1178. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Members of Congress so appointed shall be referred to as the ''United States group'' of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1179. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize

appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—Congress is authorized to appoint Members of Congress to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Members of Congress so appointed shall be referred to as the ''United States group'' of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1180. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

''(i) acts of anti-Semitic violence that occurred in that country;

''(ii) the response of the government of that country to such acts of violence;

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

''(iv) societal attitudes in that country toward people of the Jewish faith; and

''(v) trends relating to such attitudes in that country.''.

SA 1181. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 15, strike ''$475,000,000'' and insert ''$521,600,000''.

SA 1182. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2123, add the following:

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

SA 1183. Mr. LUGAR proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 23 and 24, insert the following:

(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

SA 1184. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the ''United States group'' of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1185. Mr. LUGAR (for Mr. FRIST (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the ''United States group'' of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SA 1186. Mr. LUGAR (for Mr. VOINOVICH) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

''(i) acts of anti-Semitic violence that occurred in that country;

''(ii) the response of the government of that country to such acts of violence;

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

''(iv) societal attitudes in that country toward people of the Jewish faith; and

''(v) trends relating to such attitudes in that country.''.

SA 1187. Mr. LUGAR (for Mr. AKAKA (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under Section 102 for United States Educational, Cultural, And Public Diplomacy Programs up to $4 million is authorized to be appropriated, in addition to such funds authorized under Section 102(a)(3) in support of the Center for Cultural and Technical Interchange Between East and West.

SA 1188. Mrs. CLINTON (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary of State certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term ''judgment'' means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term ''unpaid property taxes'' means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

SA 1189. Mr. DODD proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 247, strike the period at the end of Section 3102(a) and add the following:

'', except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

''(i) cause the substantial loss of U.S. jobs, or the displacement of U.S. production, or

''(ii) pose an unreasonable or major environmental, health, or safety hazard.''

SA 1190. Mr. BIDEN (for himself, Mr. LEVIN, Mr. DASCHLE, and Mr. KENNEDY) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes, as follows:

At the appropriate place insert:

SEC. . IN APPRECIATION OF OUR ARMED FORCES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essentially public services for Iraqis and these efforts are further complicated by the absence of effective communications with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,'' and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) The President should request formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

SA 1191. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to ''ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks'' and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of

Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) President Bush should require the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency to submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SA 1192. Mr. LUGAR (for Mr. ENSIGN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike Section 401 and insert the following:

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

''(iv) For assessments made during calendar year 2004, 27.1 percent.

''(v) For assessments made during calendar year 2005, 27.1 percent.''

SA 1193. Mr. LUGAR (for Mr. WARNER (for himself and Mr. STEVENS)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 206.

SA 1194. Mr. LUGAR (for Mr. FRIST) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3 billion in support of Plan Colombia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized, with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

SA 1195. Mr. LUGAR (for Mr. SCHUMER (for himself, Mrs. CLINTON, MR. LIEBERMAN, Mr. CORZINE, Mr. LAUTENBERG, Mr. DODD, and Mr. REID)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to ''ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks'' and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and

most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress, by August 15, 2003, and quarterly thereafter for the life of the commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SA 1196. Mr. LUGAR (for Mr. DURBIN (for himself, Ms. MIKULSKI, Ms. LANDRIEU, Ms. SNOWE, Mr. CORZINE, and Mrs. HUTCHISON)) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 250, line 19, strike ''Such'' and insert ''In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators where appropriate, take into account and assess the role of women and girls. The approved''.

SA 1197. Mr. LUGAR (for Mr. DURBIN (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 94, between lines 17 and 18 insert the following new section:

SEC. 815. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that ''[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa''.

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department of State and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department of State and the Inspector General of Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003; and

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods.

(4) the findings and conclusions of the joint investigation should be sent to the House and Senate Select Committees on Intelligence and the Senate Foreign Relations Committee and the House International Relations Committee.

SA 1198. Mr. LUGAR (for Mr. DORGAN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) Whereas the Centers for Disease Control and Prevention found that ''For persons living with HIV/AIDS, practicing sound nutrition can play a key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.''.

(2) Whereas there are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Whereas prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs and $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, non-governmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support service and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) REQUIREMENT.—The food aid provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

SA 1199. Mr. BIDEN proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

On page 131, after line 2, insert the following:

''(d) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for Graduate-level education in the United States. Such program shall be known as the ''Clinton Scholarship Program.''

SA 1200. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: *Provided,* That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer.

Provided further, Any amounts transferred to the Education for the Disadvantaged account pursuant to the previous paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: *Provided further,* That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: *Provided further,* that each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: *Provided further,* that the Secretary shall not take into account the

funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

SA 1201. Mr. REID (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title III of this Act under the heading ''Department of the Interior, Bureau of Land Management, Wildland Fire Management'' is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title III of this Act under the heading ''Department of the Interior, Bureau of Land Management, Wildland Fire Management'', as increased by subsection (a), $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

SA 1202. Mr. SESSIONS proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In title III, strike the following: ''*Provided further,* That for an additional amount for 'Corporation for National and Community Service, National and Community Service Programs Operating Expenses', for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the 'Act') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended:''.

SA 1203. Mrs. BOXER (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE X—SYRIA ACCOUNTABILITY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Syria Accountability Act of 2003''.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (September 28, 2001) mandates that all states ''refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts'', take ''the necessary steps to prevent the commission of terrorist acts'', and ''deny safe haven to those who finance, plan, support, or commit terrorist acts''.

(2) The Government of Syria is currently prohibited by United States law from receiving United States assistance because it is listed as a state sponsor of terrorism.

(3) Although the Secretary of State lists Syria as a state sponsor of terrorism and reports that Syria provides ''safe haven and support to several terrorist groups'', fewer United States sanctions apply with respect to Syria than with respect to any other country that the Secretary lists as a state sponsor of terrorism.

(4) Terrorist groups, including Hizballah, Hamas, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command, maintain offices, training camps, and other facilities on Syrian territory and operate in areas of Lebanon occupied by the Syrian armed forces and receive supplies from Iran through Syria.

(5) United Nations Security Council Resolution 520 (September 17, 1982) calls for ''strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon''.

(6) More than 20,000 Syrian troops and security personnel occupy much of the sovereign territory of Lebanon, thereby exerting undue influence upon its government and undermining its political independence.

(7) Since 1990 the Senate and House of Representatives have passed seven bills and resolutions calling for the withdrawal of Syrian armed forces from Lebanon.

(8) Large and increasing numbers of the Lebanese people from across the political spectrum in Lebanon have mounted peaceful and democratic calls for the withdrawal of the Syrian Army from Lebanese soil.

(9) Israel has withdrawn all of its armed forces from Lebanon in accordance with United Nations Security Council Resolution 425 (March 19, 1978), as certified by the United Nations Secretary General.

(10) Even in the face of this United Nations certification that acknowledged Israel's full compliance with Resolution 425, Syria permits attacks by Hizballah and other militant organizations on Israeli outposts at Shebaa Farms, under the false guise that it remains Lebanese land. Syria also permits attacks on civilian targets in Israel.

(11) Syria will not allow Lebanon, a sovereign country, to fulfill its obligation in accordance with Security Council Resolution 425 to deploy its troops to southern Lebanon.

(12) As a result, the Israeli-Lebanese border and much of southern Lebanon is under the control of Hizballah, which continues to attack Israeli positions and allows Iranian Revolutionary Guards and other militant groups to operate freely in the area, destabilizing the entire region.

(13) The United States provides $40,000,000 in assistance to the Lebanese people through private nongovernmental organizations, $7,900,000 of which is provided to Lebanese-American educational institutions.

(14) In the State of the Union address on January 29, 2002, President George W. Bush declared that the United States will ''work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction''.

(15) The Government of Syria continues to develop and deploy short- and medium-range ballistic missiles.

(16) The Government of Syria is pursuing the development and production of biological and chemical weapons.

(17) United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions restrict the sale of oil and other commodities by Iraq, except to the extent authorized by other relevant resolutions.

(18) Syrian President Bashar Assad promised the Secretary of State in February 2001 to end violations of Security Council Resolution 661 but this pledge has not been fulfilled.

(19) In direct violation of United Nations Sanctions, Syria has been importing 200,000 barrels of Iraqi oil on a daily basis since 2000, which has provided Iraq with up to $1,200,000,000 annually.

(20) There are reports that Syria is pursuing the development of chemical weapons, such as VX and Sarin, and is harboring fugitive Iraqi officials.

(21) On April 20, 2003, President Bush said there were positive signs that Syria will cooperate on the issue of harboring fugitive Iraqi officials.

SEC. 1003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Syria should immediately and unconditionally halt support for terrorism, permanently and openly declare its total renunciation of all forms of terrorism, and close all terrorist offices and facilities in Syria, including the offices of Hamas, Hizballah, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-General Command;

(2) in accordance with United Nations Security Council Resolution 520 (September 17, 1982), which calls for the strict respect for Lebanon's sovereignty and territorial integrity, the Government of Syria should immediately declare its commitment to completely withdraw its armed forces, including military, paramilitary, and security forces, from Lebanon, and set a firm schedule for such withdrawal;

(3) the Government of Syria should halt the development and deployment of short- and medium-range ballistic missiles and cease the development and production of biological and chemical weapons;

(4) the Government of Syria should halt illegal imports and transshipments of Iraqi oil and come into full compliance with United Nations Security Council Resolution 661 and subsequent relevant resolutions;

(5) the Governments of Lebanon and Syria should enter into serious unconditional bilateral negotiations with the Government of Israel in order to realize a full and permanent peace; and

(6) the United States should continue to provide humanitarian and educational assistance to the people of Lebanon only through appropriate private, nongovernmental organizations and appropriate international organizations, until such time as the Government of Lebanon asserts sovereignty and control over all of its territory and borders and achieves full political independence, as called for in United Nations Security Council Resolution 520.

SEC. 1004. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Syria should bear responsibility for all attacks committed by Hizballah and other terrorist groups with offices or other facilities in Syria, or bases in areas of Lebanon occupied by Syria;

(2) the United States will work to deny Syria the ability to support acts of international terrorism and efforts to develop or acquire weapons of mass destruction;

(3) the Secretary of State will continue to list Syria as a state sponsor of terrorism until Syria ends its support for terrorism, including its support of Hizballah and other terrorist groups in Lebanon and its hosting of terrorist groups in Damascus, and comes into full compliance with United States law relating to terrorism and United Nations Security Council Resolution 1373 (September 28, 2001);

(4) the full restoration of Lebanon's sovereignty, political independence, and territorial integrity is in the national security interest of the United States;

(5) Syria is in violation of United Nations Security Council Resolution 520 (September 17, 1982) through its continued occupation of Lebanese territory and its encroachment upon its political independence;

(6) Syria's obligation to withdraw from Lebanon is not conditioned upon progress in the Israeli-Syrian or Israeli-Lebanese peace process but derives from Syria's obligation under Security Council Resolution 520;

(7) Syria's acquisition of weapons of mass destruction and ballistic missile programs threaten the security of the Middle East and the national interests of the United States;

(8) Syria has violated United Nations Security Council Resolution 661 (August 6, 1990) and subsequent relevant resolutions by purchasing oil from Iraq; and

(9) the United States will restrict assistance to Syria and will oppose multilateral assistance for Syria until Syria withdraws its armed forces from Lebanon, halts the development and deployment of weapons of mass destruction and ballistic missiles, and complies with Security Council Resolution 661 and subsequent relevant resolutions.

SEC. 1005. PENALTIES AND AUTHORIZATION.

(a) SANCTIONS.—Unless the President makes the certification described in subsection (d), the President shall take the following actions:

(1) Prohibit the export to Syria, and prohibit the issuance of a license for the export to Syria, of—

(A) any defense articles or defense services for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.), as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

(B) any item identified on the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations.

(2) Impose two or more of the following sanctions:

(A) Prohibit the export of products of the United States (other than food and medicine) to Syria.

(B) Prohibit United States businesses from investing or operating in Syria.

(C) Restrict travel of Syrian diplomats assigned to Washington, District of Columbia or the United Nations in New York, New York, to a 25-mile radius of Washington or the United Nations headquarters building, respectively.

(D) Reduce United States diplomatic contacts with Syria (other than those contacts required to protect United States interests or carry out the purposes of this title).

(E) Block transactions in any property in which the Government of Syria has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) WAIVER.—The President may waive the application of paragraph (2) of subsection (a) if—

(1) the President determines that it is in the national security interest of the United States to do so; and

(2) submits to the appropriate congressional committees a report that contains the reasons for such determination.

(c) AUTHORITY TO PROVIDE ASSISTANCE TO SYRIA AND LEBANON.—The President is authorized to provide assistance to Syria and Lebanon under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) (relating to development assistance), if the President—

(1) makes the certification described in subsection (d);

(2) determines that substantial progress has been made in negotiations aimed at achieving—

(A) a peace agreement between Israel and Syria; and

(B) a peace agreement between Israel and Lebanon; and

(3) determines that the Government of Syria is strictly respecting the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese army throughout Lebanon, as required under paragraph (4) of United Nations Security Council Resolution 520 (1982).

(d) CERTIFICATION.—The President shall transmit to the appropriate congressional committees a certification of any determination made by the President that—

(1) the Government of Syria does not—

(A) provide support for international terrorist groups; and

(B) allow terrorist groups, such as Hamas, Hizballah, the Popular Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine—General Command to maintain facilities in Syria;

(2) the Government of Syria has withdrawn all Syrian military, intelligence, and other security personnel from Lebanon;

(3) the Government of Syria has ceased the development and deployment of ballistic missiles and has ceased the development and production of biological and chemical weapons; and

(4) the Government of Syria is no longer in violation of United Nations Security Council Resolution 661 or a subsequent relevant United Nations resolution.

SEC. 1006. REPORT.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 1005(d), the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) the progress made by the Government of Syria toward meeting the conditions described in paragraphs (1) through (4) of section 1005(d); and

(2) any connection between individual terrorists and terrorist groups that maintain offices, training camps, or other facilities on Syrian territory, or operate in areas of Lebanon occupied by the Syrian armed forces, and the attacks against the United States that occurred on September 11, 2001, and other terrorist attacks on the United States or its citizens, installations, or allies.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form but may include a classified annex.

SA 1204. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLOOD DAMAGE, UPPER PENINSULA, MICHIGAN.

The Secretary of the Treasury shall transfer to the Secretary of the Army $10,000,000 for use by the Corps of Engineers in remediating severe impacts on roads, bridges, water control structures, and utility infrastructure and remediating environmental and ecological damage to waterways in the State of Michigan resulting from, and carrying out such other projects as the Chief of Engineers considers necessary and advisable to recover from, flooding in the Upper Peninsula of that State in May 2003, to remain available until expended.

SA 1205. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for Flood Control and Coastal Emergencies, for emergency expenses for flood control, hurricane, and shore protection activities, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) (commonly known as the ''Flood Control Act of 1941''), $60,000,000, to remain available until expended: *Provided,* That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.).

SA 1206. Mr. STEVENS (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

''*Provided further,* That for an additional amount for ''Flood Control and Coastal Emergencies,'' for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), $10,000,000, to remain available until expended:''

SA 1207. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $48,700,000: *Provided,* That the entire amount made available under this heading shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900

et seq.): *Provided further,* That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1208. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $25,000,000: *Provided,* That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $48,700,000: *Provided,* That the entire amount made available under this heading is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SA 1210. Mr. REID (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. MORMON CRICKET CONTROL.

The Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 16, 2003, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, A Bill to Reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 10:00 a.m., in open session to consider the nominations of Thomas W. O'Connell to be Assistant Secretary of Defense for special operations and low intensity conflict; and Paul M. Longsworth to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 10:00 a.m., to conduct a hearing on ''The Accuracy of Credit Report Information and the Fair Credit Reporting Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 10 at 10 a.m.

The purpose of the hearing is to discuss the reasons behind the high price of natural gas, its affect on the economy and to consider potential solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, July 10, 2003, at 2 p.m., to review and make recommendations on proposed legislation implementing the U.S.-Singapore Free Trade Agreement and the U.S.-Chile Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judicary be authorized to meet to conduct a markup on Thursday, July 10, 2003, at 9:30 a.m. in SDG 226.

I. Continuation of S. 1125, Fairness in Asbestos Injury Resolution Act of 2003 (''The FAIR Act'') markup.

II. Nominations: William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit; Allyson K. Duncan to be United States Circuit Judge for the Fourth Circuit; Robert C. Brack to be United States District Judge for the District of New Mexico; Samuel Der-Yeghiayan to be United States District Judge for the Northern District of Illinois; Louise W. Flanagan to be United States District Judge for the Eastern District of North Carolina; Lonny R. Suko to be United States District Judge for the Eastern District of Washington; Earl Leroy Yeakel III to be United States District Judge for the Western District of Texas; Karen P. Tandy to be Administrator of the Drug Enforcement Administration, United States Department of Justice; Christopher A. Wray to be Assistant Attorney General for the Criminal Division, United States Department of Justice; Michael J. Garcia to be Assistant Secretary, United States Department of Homeland Security; and Jack Landman Goldsmith III to be Assistant Attorney General, Office of Legal Counsel, United States Department of Justice.

III. Bills: S.J. Res. 1, A joint resolution proposing an amendment to the constitution of the United States to protect the rights of crime victims [Kyl, Chambliss, Cornyn, Craig, DeWine, Feinstein, Graham, Grassley]; S. 1280, A bill to amend the Protect Act to clarify the liability of the National Center for Missing and Exploited Children [Hatch, Biden]; S. Res. 140, A resolution designating the week of August 10, 2003, as ''National Health Center Week'' [Campbell, Biden, Durbin, Grassley]; S. 764, The Bulletproof Vest Partnership Grant Act of 2003; Proposed Free Trade Agreement with Chile; Proposed Free Trade Agreements with Singapore.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a Markup of the SBA Reauthorization Bill on Thursday, July 10, 2003, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2003, for a hearing to consider pending legislation regarding VA-provided benefits programs. The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

Bills Relating to Veterans' Disability Compensation Benefits: S. 257, the proposed ''Veterans Benefits and Pensions

Protection Act of 2003''; S. 517, the proposed ''Francis W. Agnes Prisoner of War Benefits Act of 2003''; S. 1131, the proposed ''Veterans' Compensation Cost-of-Living Adjustment Act of 2003''. S. 1133, the proposed ''Veterans Programs Improvement Act of 2003''; S. 1188, the proposed ''Veterans' Survivor Benefits Act of 2003''; S. 1213, the proposed ''Filipino Veterans' Benefits Act of 2003''; S. 1239, the proposed ''Former Prisoners of War Special Compensation Act of 2003''; and S. 1281, the proposed ''Veterans Information and Benefits Enhancement Act of 2003''.

Bills Relating to Veterans' Benefits: S. 249, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; S. 938, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; and S. 1132, the proposed ''Veterans' Survivors Benefits Enhancements Act of 2003''.

Bill Proposing to Amend The Soldiers and Sailors Civil Relief Act; S. 792, the proposed ''Servicemembers Civil Relief Act''; S. 806, the proposed ''Deployed Service Members Financial Security and Education Act of 2003''; and S. 1136, the proposed ''Servicemembers Civil Relief Act''.

Bills Relating to Other Matters: S. 978, the proposed ''Veterans Housing Fairness Act of 2003''; S. 1124, the proposed ''Veterans Burial Benefits Improvement Act of 2003''; S. 1199, the proposed ''Veterans Outreach Improvement Act of 2003''; S. 1282, to require the Secretary of Veterans Affairs to establish national cemeteries for geographically underserved populations of veterans; and S. 1630, to amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 10, 2003, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families be authorized to meet for a hearing on CSBG Reauthorization during the session of the Senate on Thursday, July 10, 2003, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

MR. REID. Mr. President, I ask unanimous consent that Michelle Curtis, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during the pendency of S. 925.

The PRESIDING OFFICER. Without objection, it is so ordered.

RATIFICATION OF OTHERWISE LEGAL APPOINTMENTS AND PROMOTIONS IN COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 120, S. 886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 886) to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 886) was read the third time and passed, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RATIFICATION OF CERTAIN NOAA APPOINTMENTS, PROMOTIONS, AND ACTIONS.

All action in the line of duty by, and all Federal agency actions in relation to (including with respect to pay, benefits, and retirement) a de facto officer of the commissioned corps of the National Oceanic and Atmospheric Administration who was appointed or promoted to that office without Presidential action, and without the advice and consent of the Senate, during such time as the officer was not properly appointed in or promoted to that office, are hereby ratified and approved if otherwise in accord with the law, and the President alone may, without regard to any other law relating to appointments or promotions in such corps, appoint or promote such a de facto officer temporarily, without change in the grade currently occupied in a de facto capacity, as an officer in such corps for a period ending not later than 180 days from the date of enactment of this Act.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel:

Thomas P. Golden, of Tennessee, vice Vincent Randazzo, resigned.

Mr. STEVENS. Parliamentary inquiry: I have been asked, is it still in order for Members to place statements in the RECORD, including colloquies, with regard to either bill we have just moved for a vote tomorrow morning. Is that correct?

The PRESIDING OFFICER. At this time, that is correct.

Mr. STEVENS. Anyone who wants to file a statement concerning either of those bills has that right.